

SESSION LAWS OF MISSOURI

Passed during the

NINETY-SEVENTH GENERAL ASSEMBLY

First Extraordinary Session, which convened at the City of Jefferson,
Monday, December 2, 2013, and adjourned Friday, December 6, 2014.

Second Regular Session, which convened at the City of Jefferson,
Wednesday, January 8, 2014, and adjourned Friday, May 30, 2014.
Veto Session held September 10, 2014.

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Published by the

**MISSOURI JOINT
COMMITTEE ON
LEGISLATIVE RESEARCH**

In compliance with Sections 2.030 and 2.040,
Revised Statutes of Missouri, 2013

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2013 - 2014**

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HOW TO USE THE SESSION LAWS

The first pages contain the *Popular Name Table*, the *Table of Sections Affected by 2013 Special Session Legislation* from the First Extraordinary Session of the 97th General Assembly, and the *Table of Sections Affected by 2014 Legislation* from the Second Regular Session of the 97th General Assembly.

The text of the 2013 First Extraordinary Session Senate Bill appears first.

The text of all 2014 House and Senate Bills and the Concurrent Resolutions from the Second Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

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

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Authority for Publishing Session Laws and Resolutions

Section 2.030, Revised Statutes of Missouri, 2013. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

Section 2.040, Revised Statutes of Missouri, 2013. — Duties of Legislative Research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of the session laws pursuant to section 2.030, giving the date of the approval or adoption thereof. The joint committee on legislative research shall headnote, collate, index the laws, resolutions and constitutional amendments, and compare the proof sheets of the printed copies with the original rolls. The revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

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

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

RUSS HEMBREE
REVISOR OF STATUTES

EFFECTIVE DATE OF LAWS

Section 29, Article III of the Constitution provides:

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

The Ninety-seventh General Assembly, Second Regular Session, convened Wednesday, January 8, 2014, and adjourned Friday, May 30, 2014. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2014.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

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

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

The Ninety-seventh General Assembly, Second Regular Session, passed six Joint Resolutions. Resolutions are to be published as provided in Section 116.340, RSMo 2000, which reads:

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

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

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2014 Noncumulative Supplement to the Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

POPULAR NAME TABLE

2013 SPECIAL SESSION LEGISLATION

Incentives for aerospace industry job creation, SB 1

2014 LEGISLATION

Bryce's Law, HB 1614

Criminal code restructuring, HB 1371, SB 491

Drug overdose emergency treatment, HB 2040

Hemp oil, HB 2238

Performance funding for public higher education instructions, SB 492

Randolph County repeal of 1885 laws, S.B. 896

Revision Bills, HRB 1298, HRB 1299

Tanning bed restrictions, HB 1441

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TABLE OF SECTIONS AFFECTED
BY
2013 LEGISLATION,
FIRST EXTRAORDINARY SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
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620.2475	New	SB 1
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TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
3.010	Amended	SB 621	8.420	Amended	SB 723
3.010	Amended	SB 643	8.597	Vetoed	SB 575
3.066	Amended	SB 621	8.665	Amended	SB 723
3.066	Amended	SB 643	8.700	Amended	HRB 1299
3.070	Amended	HRB 1299	8.800	Amended	HRB 1299
3.090	Amended	SB 621	8.830	Amended	HRB 1299
3.090	Amended	SB 643	8.843	Amended	HRB 1299
8.007	Vetoed	HB 1359	9.179	New	SB 527
8.110	Amended	HRB 1299	10.115	New	HB 1603
8.115	Amended	HRB 1299	21.440	Vetoed	SB 575
8.180	Amended	HRB 1299	21.445	Vetoed	SB 575
8.200	Amended	HRB 1299	21.450	Vetoed	SB 575
8.260	Amended	HRB 1299	21.455	Vetoed	SB 575
8.305	Repealed	HRB 1298	21.460	Vetoed	SB 575
8.310	Amended	HRB 1299	21.465	Vetoed	SB 575
8.315	Amended	HRB 1299	21.485	Repealed	HRB 1298
8.316	Amended	HRB 1299	21.530	Vetoed	SB 575
8.320	Amended	HRB 1299	21.535	Vetoed	SB 575
8.325	Amended	HRB 1299	21.537	Vetoed	SB 575
8.330	Amended	HRB 1299	21.557	Amended	HB 1882
8.340	Amended	HRB 1299	21.561	Amended	HB 1882
8.350	Amended	HRB 1299	21.562	Amended	HB 1882
8.360	Amended	HRB 1299	21.563	Amended	HB 1882

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
21.564	Repealed	HB 1882	30.959	Vetoed	SB 575
21.750	Overridden	SB 656	30.962	Vetoed	SB 575
21.771	Amended	HB 1092	30.965	Vetoed	SB 575
21.771	Amended	SB 869	30.968	Vetoed	SB 575
21.795	Vetoed	SB 575	30.971	Vetoed	SB 575
21.800	Repealed	HRB 1298	32.029	New	HB 1081
21.800	Vetoed	SB 575	32.057	Amended	SB 491
21.801	Repealed	HRB 1298	32.400	New	HB 1081
21.801	Vetoed	SB 575	33.150	Vetoed	SB 575
21.820	Vetoed	SB 575	33.710	Amended	HRB 1299
21.835	Vetoed	SB 575	33.750	Repealed	HRB 1299
21.850	Vetoed	SB 575	33.752	Repealed	HRB 1299
21.880	New	HB 1231	33.753	Amended	HRB 1299
21.880	Vetoed	SB 575	33.756	Repealed	HRB 1299
21.880	New	SB 621	33.850	Vetoed	SB 575
21.910	Repealed	HRB 1298	34.031	Amended	HRB 1299
21.910	Vetoed	SB 575	34.057	Amended	SB 529
21.920	Vetoed	SB 575	34.425	Vetoed	HB 1359
21.930	New	HB 2077	36.030	Amended	HRB 1299
27.105	New	SB 491	37.005	Amended	HB 1206
30.953	Vetoed	SB 575	37.005	Amended	HRB 1299
30.954	Vetoed	SB 575	37.010	Amended	HRB 1299
30.956	Vetoed	SB 575	37.013	New	HRB 1299

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
37.014	New	HRB 1299	50.783	Vetoed	HB 1553
37.016	New	HRB 1299	56.067	Amended	SB 672
37.020	Amended	HRB 1299	56.110	Amended	SB 621
37.110	Amended	HRB 1299	56.265	Amended	SB 672
37.250	Vetoed	SB 575	56.363	Amended	SB 672
37.710	Amended	HB 1092	56.807	Amended	HB 1231
37.710	Amended	SB 869	56.807	Amended	SB 672
41.216	Amended	HB 1724	56.816	Amended	SB 672
42.170	Amended	SB 600	57.015	Amended	HB 1665
42.200	Amended	SB 600	57.015	Amended	SB 745
42.220	Amended	SB 600	57.095	New	HB 1231
42.310	New	SB 600	57.095	Vetoed	SB 615
42.315	New	SB 600	57.095	New	SB 621
43.251	Amended	HRB 1299	57.095	New	SB 672
43.530	Vetoed	SB 508	57.201	Amended	HB 1665
43.544	New	SB 491	57.201	Amended	SB 745
44.035	New	HB 1426	57.220	Amended	HB 1665
44.035	New	SB 767	57.220	Amended	SB 745
44.095	New	SB 852	57.250	Amended	HB 1665
49.266	Amended	SB 672	57.250	Amended	SB 745
49.272	Vetoed	SB 615	64.090	Amended	HRB 1299
49.272	Amended	SB 896	67.281	Amended	HB 1410
50.660	Vetoed	HB 1553	67.281	Vetoed	HB 1553

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
67.281	Amended	SB 655	67.5104	Amended	SB 653
67.281	Amended	SB 672	70.621	Vetoed	SB 675
67.320	Amended	SB 621	72.401	Vetoed	HB 1553
67.320	Amended	SB 672	79.130	Amended	SB 672
67.585	Vetoed	SB 693	79.135	New	SB 672
67.585	New	SB 896	82.291	Repealed	HRB 1298
67.587	New	SB 896	82.300	Vetoed	HB 1553
67.1367	Vetoed	SB 693	82.1025	Vetoed	HB 1553
67.1367	New	SB 896	82.1025	Overridden	SB 731
67.1830	Amended	SB 649	82.1027	Vetoed	HB 1553
67.1830	Amended	SB 653	82.1027	Overridden	SB 731
67.1836	Amended	SB 649	82.1028	Vetoed	HB 1553
67.1838	Amended	SB 649	82.1028	Overridden	SB 731
67.1842	Amended	SB 649	82.1029	Vetoed	HB 1553
67.5090	Amended	SB 650	82.1029	Overridden	SB 731
67.5092	Amended	SB 650	82.1030	Vetoed	HB 1553
67.5094	Amended	SB 650	82.1030	Overridden	SB 731
67.5096	Amended	SB 650	84.340	Overridden	SB 656
67.5098	Amended	HB 1454	84.340	Amended	SB 852
67.5098	Amended	SB 650	86.900	Amended	HB 1301
67.5100	Amended	SB 650	86.1220	Amended	HB 1301
67.5102	Amended	SB 650	89.020	Amended	HRB 1299
67.5103	Amended	SB 650	94.270	Amended	SB 672

TABLE OF SECTIONS AFFECTED
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2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
94.579	Vetoed	HB 1553	105.955	Vetoed	SB 575
99.805	Vetoed	HB 1553	105.1415	New	SB 672
99.825	Vetoed	HB 1553	107.170	Amended	SB 529
99.845	Amended	HB 1504	115.013	Amended	HB 1136
99.845	Vetoed	SB 693	115.104	Amended	HB 1136
105.145	Vetoed	HB 1261	115.121	Amended	HB 1136
105.271	Amended	SB 869	115.123	Amended	SB 892
105.454	Amended	SB 719	115.124	Amended	HB 1125
105.660	Amended	HB 1882	115.124	Overridden	SB 593
105.664	Amended	HB 1882	115.221	Amended	HB 1136
105.665	Amended	HB 1882	115.231	Repealed	HB 1136
105.666	Amended	HB 1882	115.237	Amended	HB 1136
105.669	New	HB 1217	115.251	Repealed	HB 1136
105.670	Amended	HB 1882	115.253	Repealed	HB 1136
105.683	Amended	HB 1882	115.255	Amended	HB 1136
105.684	Amended	HB 1882	115.257	Amended	HB 1136
105.702	New	HB 1882	115.261	Amended	HB 1136
105.711	Amended	HB 1231	115.263	Amended	HB 1136
105.711	Vetoed	SB 508	115.265	Amended	HB 1136
105.711	Amended	SB 754	115.267	Amended	HB 1136
105.915	Amended	HRB 1298	115.269	Amended	HB 1136
105.935	Amended	HB 1090	115.271	Amended	HB 1136
105.935	Amended	SB 852	115.273	Amended	HB 1136

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
115.301	Repealed	HB 1136	130.031	Repealed	SB 491
115.305	Repealed	HB 1136	135.210	Vetoed	SB 575
115.342	Amended	HB 1136	135.230	Vetoed	SB 575
115.346	Repealed	HB 1136	135.305	Amended	SB 729
115.395	Amended	HB 1125	135.326	Amended	HRB 1299
115.417	Amended	HB 1136	135.335	Amended	HRB 1299
115.420	Amended	HB 1136	135.339	Amended	HRB 1299
115.431	Amended	HB 1136	135.600	Overridden	HB 1132
115.443	Amended	HB 1136	135.630	Overridden	HB 1132
115.453	Amended	HB 1136	135.647	Overridden	HB 1132
115.475	Amended	HB 1136	135.700	Vetoed	SB 693
115.477	Amended	HB 1136	135.710	Amended	SB 729
115.479	Amended	HB 1136	135.980	New	SB 672
115.483	Amended	HB 1136	135.1670	New	SB 635
115.485	Repealed	HB 1136	136.300	Vetoed	HB 1455
115.487	Repealed	HB 1136	136.300	Vetoed	SB 584
115.489	Repealed	HB 1136	136.300	Overridden	SB 829
115.495	Amended	HB 1136	137.010	Amended	SB 729
115.503	Amended	HB 1136	137.133	Vetoed	HB 1553
115.631	Amended	SB 491	137.133	Vetoed	SB 584
115.755	Amended	SB 892	137.133	Vetoed	SB 693
130.028	Repealed	SB 491	137.133	Vetoed	SB 860
130.028	Amended	SB 491	142.803	Amended	HB 2141

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
142.815	Vetoed	SB 584	143.451	Vetoed	SB 612
142.869	Amended	HB 2141	143.451	Vetoed	SB 662
142.909	Amended	SB 491	143.451	Vetoed	SB 693
142.911	Amended	SB 491	143.782	Amended	HRB 1299
142.941	Amended	SB 842	143.790	Amended	HRB 1299
143.011	Overridden	SB 509	143.811	Amended	HRB 1298
143.021	Overridden	SB 509	143.1001	Amended	SB 491
143.022	Overridden	SB 509	143.1002	Amended	HRB 1299
143.041	Amended	HB 1190	143.1003	Amended	SB 491
143.041	Vetoed	SB 693	143.1027	New	HB 1710
143.071	Amended	HB 1190	144.010	Vetoed	HB 1326
143.071	Vetoed	SB 693	144.010	Vetoed	SB 506
143.121	Amended	SB 601	144.010	Vetoed	SB 584
143.151	Overridden	SB 509	144.018	Vetoed	SB 584
143.183	Amended	HB 1237	144.020	Vetoed	SB 584
143.183	Vetoed	SB 612	144.021	Vetoed	SB 612
143.191	Amended	HB 1190	144.021	Vetoed	SB 662
143.191	Vetoed	SB 693	144.030	Amended	HB 2029
143.221	Vetoed	SB 584	144.030	Vetoed	SB 584
143.221	Vetoed	SB 860	144.030	Vetoed	SB 693
143.451	Vetoed	HB 1296	144.044	Vetoed	SB 584
143.451	Vetoed	HB 1865	144.044	Vetoed	SB 693
143.451	Vetoed	SB 584	144.044	Vetoed	SB 860

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
144.049	Vetoed	HB 1296	160.254	Amended	HRB 1298
144.049	Vetoed	SB 860	160.261	Amended	HB 1371
144.052	Vetoed	SB 584	160.261	Repealed	HB 1371
144.054	Vetoed	SB 612	160.261	Amended	SB 491
144.055	Vetoed	HB 1865	160.400	Vetoed	SB 493
144.058	Vetoed	SB 584	160.405	Vetoed	SB 493
144.080	Vetoed	HB 1296	160.408	Vetoed	SB 493
144.080	Vetoed	SB 584	160.415	Vetoed	SB 493
144.080	Vetoed	SB 662	160.417	Vetoed	SB 493
144.080	Vetoed	SB 860	160.514	Amended	HB 1490
144.190	Vetoed	SB 584	160.516	New	HB 1490
144.190	Vetoed	SB 860	160.518	Amended	HB 1490
144.527	Overridden	SB 727	160.522	Amended	SB 701
144.610	Amended	HB 1190	160.526	Amended	HB 1490
144.610	Vetoed	SB 693	160.534	Amended	HRB 1298
144.1030	Vetoed	SB 662	160.545	Amended	HRB 1299
144.1030	Vetoed	SB 693	160.665	Overridden	SB 656
149.200	Amended	SB 491	160.700	Amended	HRB 1299
160.011	Vetoed	SB 493	160.820	Amended	HB 1490
160.041	Vetoed	SB 493	160.932	Repealed	HRB 1298
160.053	Amended	HB 1689	160.933	Repealed	HRB 1298
160.054	Amended	HB 1689	160.2500	New	HB 1303
160.055	Amended	HB 1689	161.084	Vetoed	SB 493

TABLE OF SECTIONS AFFECTED
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
161.086	Vetoed	SB 493	162.1303	Vetoed	SB 493
161.092	Amended	HB 1490	162.1305	Vetoed	SB 493
161.096	New	HB 1490	162.1310	Vetoed	SB 493
161.097	Amended	SB 492	163.011	Amended	HB 1689
161.238	Vetoed	SB 493	163.018	New	HB 1689
161.418	Amended	HRB 1299	163.021	Vetoed	SB 493
161.424	Amended	HRB 1299	163.031	Amended	HB 1689
161.825	Amended	HB 1614	163.036	Vetoed	SB 493
161.855	New	HB 1490	163.073	Vetoed	SB 493
161.900	New	HRB 1299	163.191	Amended	SB 492
161.905	New	HRB 1299	163.410	Vetoed	SB 493
161.910	New	HRB 1299	165.011	Amended	SB 907
161.915	New	HRB 1299	167.034	Amended	HRB 1299
161.920	New	HRB 1299	167.042	Vetoed	SB 575
161.925	New	HRB 1299	167.115	Amended	HB 1371
161.930	New	HRB 1299	167.115	Repealed	HB 1371
161.935	New	HRB 1299	167.115	Amended	SB 491
161.940	New	HRB 1299	167.121	Vetoed	SB 493
161.945	New	HRB 1299	167.122	Amended	HRB 1299
162.081	Vetoed	SB 493	167.123	Amended	HRB 1299
162.432	Vetoed	SB 493	167.131	Vetoed	SB 493
162.481	Vetoed	HB 1553	167.168	Overridden	SB 523
162.1250	Vetoed	SB 493	167.171	Amended	HB 1371

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
167.171	Repealed	HB 1371	168.205	New	SB 701
167.171	Amended	SB 491	169.520	Amended	HRB 1299
167.195	Vetoed	SB 575	170.017	New	HB 1189
167.642	Vetoed	SB 493	170.049	Amended	SB 600
167.685	Vetoed	SB 493	170.215	Vetoed	SB 493
167.687	Vetoed	SB 493	170.320	Vetoed	SB 493
167.730	Vetoed	SB 493	171.029	Vetoed	SB 493
167.825	Vetoed	SB 493	171.031	Vetoed	SB 493
167.826	Vetoed	SB 493	171.033	Amended	HRB 1298
167.827	Vetoed	SB 493	171.033	Vetoed	SB 493
167.828	Vetoed	SB 493	171.051	Amended	SB 600
167.830	Vetoed	SB 493	171.181	Amended	SB 719
167.833	Vetoed	SB 493	172.875	Amended	HRB 1299
167.836	Vetoed	SB 493	173.030	Amended	HB 1389
167.839	Vetoed	SB 493	173.670	Amended	SB 492
167.842	Vetoed	SB 493	173.675	New	SB 492
167.845	Vetoed	SB 493	173.680	New	SB 492
167.848	Vetoed	SB 493	173.1006	Amended	SB 492
168.021	Amended	SB 782	173.1540	New	SB 492
168.071	Amended	SB 491	174.335	Amended	SB 567
168.081	Amended	HRB 1298	174.335	Amended	SB 716
168.083	Repealed	HRB 1298	174.335	Amended	SB 754
168.205	Vetoed	SB 493	174.450	Amended	HB 1389

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
174.709	Vetoed	HB 1707	190.255	New	HB 2040
174.712	Vetoed	HB 1707	190.270	New	HB 1190
177.011	Vetoed	SB 493	190.270	Vetoed	SB 693
177.011	Amended	SB 719	190.275	New	HB 1190
177.088	Vetoed	SB 493	190.275	Vetoed	SB 693
177.088	Amended	SB 719	190.280	New	HB 1190
178.638	Amended	SB 492	190.280	Vetoed	SB 693
178.656	Amended	HB 1064	190.285	New	HB 1190
178.862	Vetoed	HB 1707	190.285	Vetoed	SB 693
181.110	Amended	HRB 1299	190.286	New	HB 1190
182.802	Vetoed	HB 1553	190.286	Vetoed	SB 693
182.802	Amended	SB 672	190.335	Amended	SB 690
182.815	Amended	HB 1085	190.336	Overridden	SB 593
182.817	Amended	HB 1085	190.336	New	SB 773
186.019	Amended	HRB 1299	190.339	Amended	SB 690
188.027	Overridden	HB 1307	190.621	Amended	SB 491
188.030	Amended	HB 1371	191.115	Repealed	HRB 1298
188.030	Repealed	HB 1371	191.115	Vetoed	SB 575
188.030	Amended	SB 491	191.480	New	HB 1685
188.039	Overridden	HB 1307	191.630	Amended	SB 852
189.095	Amended	HRB 1299	191.631	Amended	SB 852
190.088	New	SB 672	191.737	Amended	HRB 1299
190.105	Amended	SB 773	191.761	New	SB 567

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191.761	New	SB 716	192.769	New	SB 639
191.761	New	SB 754	192.769	New	SB 754
191.850	Repealed	HRB 1299	192.800	Repealed	SB 852
191.853	Repealed	HRB 1299	192.802	Repealed	SB 852
191.855	Repealed	HRB 1299	192.804	Repealed	SB 852
191.857	Repealed	HRB 1299	192.806	Repealed	SB 852
191.858	Repealed	HRB 1299	192.808	Repealed	SB 852
191.859	Repealed	HRB 1299	192.935	Repealed	HRB 1299
191.861	Repealed	HRB 1299	192.945	New	HB 2238
191.863	Repealed	HRB 1299	192.1000	New	HRB 1299
191.865	Repealed	HRB 1299	192.1002	New	HRB 1299
191.867	Repealed	HRB 1299	192.1004	New	HRB 1299
191.905	Amended	SB 491	192.1006	New	HRB 1299
191.914	Amended	SB 491	192.1008	New	HRB 1299
191.918	Amended	HB 1320	192.1010	New	HRB 1299
191.934	Vetoed	SB 575	192.1012	New	HRB 1299
191.990	New	SB 716	192.1020	New	HRB 1299
191.990	New	SB 754	192.1022	New	HRB 1299
191.1140	New	SB 716	192.1024	New	HRB 1299
191.1140	New	SB 754	192.1030	New	HRB 1299
192.105	Repealed	HRB 1298	192.1040	New	HRB 1299
192.310	Amended	SB 672	192.1042	New	HRB 1299
192.601	Amended	HRB 1299	192.1044	New	HRB 1299

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192.1046	New	HRB 1299	192.1102	New	HRB 1299
192.1048	New	HRB 1299	192.1104	New	HRB 1299
192.1050	New	HRB 1299	192.1106	New	HRB 1299
192.1052	New	HRB 1299	192.1108	New	HRB 1299
192.1054	New	HRB 1299	192.1110	New	HRB 1299
192.1056	New	HRB 1299	192.1112	New	HRB 1299
192.1058	New	HRB 1299	192.1114	New	HRB 1299
192.1060	New	HRB 1299	193.075	Amended	HRB 1299
192.1062	New	HRB 1299	193.215	Amended	HRB 1299
192.1064	New	HRB 1299	193.315	Amended	SB 491
192.1066	New	HRB 1299	194.255	Amended	HB 1656
192.1080	New	HRB 1299	194.410	Amended	SB 491
192.1082	New	HRB 1299	194.425	Amended	SB 491
192.1084	New	HRB 1299	195.005	Amended	SB 491
192.1086	New	HRB 1299	195.010	Amended	SB 491
192.1088	New	HRB 1299	195.015	Amended	SB 491
192.1090	New	HRB 1299	195.016	Amended	SB 491
192.1092	New	HRB 1299	195.017	Amended	SB 491
192.1094	New	HRB 1299	195.025	Repealed	SB 491
192.1096	New	HRB 1299	195.030	Amended	SB 491
192.1097	New	HRB 1299	195.040	Amended	SB 491
192.1098	New	HRB 1299	195.050	Amended	SB 491
192.1100	New	HRB 1299	195.060	Amended	SB 491

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195.070	Amended	SB 716	195.219	Repealed	SB 491
195.070	Amended	SB 754	195.222	Repealed	SB 491
195.080	Amended	SB 491	195.223	Repealed	SB 491
195.100	Amended	SB 491	195.226	Repealed	SB 491
195.110	Repealed	SB 491	195.233	Repealed	SB 491
195.130	Repealed	HB 1371	195.235	Repealed	SB 491
195.130	Repealed	SB 491	195.241	Repealed	SB 491
195.135	Repealed	SB 491	195.242	Repealed	SB 491
195.140	Amended	SB 491	195.246	Repealed	SB 491
195.150	Amended	SB 491	195.248	Repealed	SB 491
195.180	Repealed	SB 491	195.252	Repealed	SB 491
195.190	Amended	SB 491	195.254	Repealed	SB 491
195.195	Amended	SB 491	195.256	Repealed	SB 491
195.198	Amended	SB 491	195.275	Repealed	SB 491
195.202	Repealed	SB 491	195.280	Repealed	SB 491
195.204	Repealed	SB 491	195.285	Repealed	SB 491
195.207	New	HB 2238	195.291	Repealed	SB 491
195.211	Repealed	SB 491	195.292	Repealed	SB 491
195.212	Repealed	SB 491	195.295	Repealed	SB 491
195.213	Repealed	SB 491	195.296	Repealed	SB 491
195.214	Repealed	SB 491	195.367	Repealed	SB 491
195.217	Repealed	SB 491	195.369	Repealed	SB 491
195.218	Repealed	SB 491	195.371	Repealed	SB 491

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195.375	Amended	SB 491	197.315	Amended	HB 1064
195.417	Amended	SB 491	197.318	Amended	HRB 1299
195.418	Amended	SB 491	197.326	Amended	SB 491
195.420	Repealed	SB 491	197.367	Amended	HRB 1299
195.501	Repealed	SB 491	197.1000	New	SB 491
195.503	Repealed	SB 491	197.1002	New	SB 491
195.505	Amended	SB 491	197.1004	New	SB 491
195.507	Repealed	SB 491	197.1006	New	SB 491
195.509	Repealed	SB 491	197.1008	New	SB 491
195.511	Amended	SB 491	197.1010	New	SB 491
195.515	Repealed	SB 491	197.1012	New	SB 491
196.056	New	SB 525	197.1014	New	SB 491
196.298	New	SB 525	197.1016	New	SB 491
196.979	Amended	SB 491	197.1018	New	SB 491
196.1035	Amended	HRB 1298	197.1020	New	SB 491
196.1103	Amended	HRB 1299	197.1022	New	SB 491
197.168	New	SB 567	197.1024	New	SB 491
197.168	New	SB 716	197.1026	New	SB 491
197.168	New	SB 754	197.1028	New	SB 491
197.266	Amended	SB 491	197.1030	New	SB 491
197.291	Repealed	HRB 1298	197.1034	New	SB 491
197.291	Vetoed	SB 575	197.1036	New	HB 1371
197.312	Amended	HRB 1299	197.1036	New	SB 491

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197.1038	New	SB 491	205.965	Amended	HRB 1299
197.1040	New	SB 491	205.965	Amended	SB 491
197.1042	New	SB 491	205.968	Amended	HB 1064
198.018	Amended	HRB 1299	207.010	Amended	HRB 1299
198.026	Amended	HRB 1299	207.020	Amended	HRB 1299
198.029	Amended	HRB 1299	207.022	New	HRB 1299
198.070	Amended	SB 491	207.030	Amended	HRB 1299
198.077	Amended	HRB 1299	207.070	Amended	HRB 1299
198.080	Amended	HRB 1299	207.080	Amended	HRB 1299
198.087	Amended	HRB 1299	208.015	Amended	HRB 1299
198.090	Amended	HRB 1299	208.018	New	SB 680
198.097	Amended	SB 491	208.018	Overridden	SB 727
198.158	Amended	SB 491	208.024	Amended	SB 680
198.189	Amended	HRB 1299	208.027	Amended	SB 680
198.421	Amended	HRB 1299	208.030	Amended	HRB 1299
198.428	Amended	HRB 1299	208.041	Amended	HRB 1299
198.510	Amended	HRB 1299	208.042	Amended	HRB 1299
198.515	Amended	HRB 1299	208.047	Amended	HRB 1299
199.025	Amended	HRB 1299	208.050	Amended	HRB 1299
205.960	Amended	HRB 1299	208.060	Amended	HRB 1299
205.961	Amended	HRB 1299	208.070	Amended	HRB 1299
205.962	Amended	HRB 1299	208.072	Amended	HRB 1299
205.964	Amended	HRB 1299	208.075	Amended	HRB 1299

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208.080	Amended	HRB 1299	208.238	New	SB 680
208.100	Amended	HRB 1299	208.247	New	SB 680
208.120	Amended	HRB 1299	208.247	Overridden	SB 727
208.125	Amended	HRB 1299	208.275	Repealed	HB 1064
208.130	Amended	HRB 1299	208.275	Repealed	HB 1245
208.141	New	SB 680	208.275	Vetoed	SB 575
208.141	New	SB 754	208.300	Amended	HRB 1299
208.145	Amended	HRB 1299	208.325	Amended	HRB 1299
208.150	Amended	HRB 1299	208.337	Amended	HRB 1299
208.152	Amended	HRB 1299	208.345	Amended	HRB 1299
208.154	Amended	HRB 1299	208.400	Amended	HRB 1299
208.157	Amended	HRB 1299	208.405	Amended	HRB 1299
208.168	Amended	HRB 1299	208.471	Amended	HRB 1299
208.175	Amended	HRB 1299	208.477	Amended	HRB 1299
208.176	Amended	HRB 1299	208.533	Amended	HRB 1299
208.180	Amended	HRB 1299	208.606	Amended	HRB 1299
208.182	Amended	HRB 1299	208.609	Amended	HRB 1299
208.190	Amended	HRB 1299	208.621	Amended	HRB 1299
208.204	Amended	HRB 1299	208.631	Vetoed	SB 508
208.210	Amended	HRB 1299	208.631	Amended	SB 754
208.215	Amended	HB 1064	208.631	Amended	SB 869
208.217	Amended	HRB 1299	208.636	Amended	HRB 1299
208.225	Amended	HRB 1299	208.636	Vetoed	SB 508

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208.636	Amended	SB 754	209.040	Amended	HB 1835
208.636	Amended	SB 869	209.050	Amended	HRB 1299
208.640	Vetoed	SB 508	209.060	Amended	HRB 1299
208.640	Amended	SB 754	209.070	Amended	HRB 1299
208.640	Amended	SB 869	209.080	Amended	HRB 1299
208.643	Vetoed	SB 508	209.090	Amended	HRB 1299
208.643	Amended	SB 754	209.100	Amended	HRB 1299
208.643	Amended	SB 869	209.110	Amended	HRB 1299
208.646	Vetoed	SB 508	209.240	Amended	HRB 1299
208.646	Amended	SB 754	209.251	Amended	HRB 1299
208.646	Amended	SB 869	210.001	Amended	HRB 1299
208.662	New	SB 716	210.027	Amended	HB 1831
208.662	New	SB 754	210.027	Amended	SB 869
208.780	Amended	HRB 1299	210.115	Amended	HRB 1299
208.790	Amended	SB 754	210.117	Amended	HB 1371
208.798	Amended	SB 754	210.117	Repealed	HB 1371
208.952	Vetoed	SB 575	210.117	Amended	SB 491
208.955	Amended	HRB 1298	210.145	Amended	HB 1092
208.955	Vetoed	SB 575	210.145	Amended	SB 869
209.010	Amended	HRB 1299	210.152	Amended	HB 1092
209.015	New	HRB 1299	210.152	Amended	SB 869
209.020	Amended	HRB 1299	210.153	Vetoed	SB 575
209.030	Amended	HRB 1299	210.160	Amended	HB 1092

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210.160	Amended	SB 869	210.830	Amended	HRB 1299
210.165	Amended	HRB 1299	210.834	Amended	HRB 1299
210.165	Amended	SB 491	210.843	Amended	HRB 1299
210.166	Amended	HRB 1299	210.846	Amended	HRB 1299
210.167	Amended	HRB 1299	210.861	Vetoed	SB 493
210.183	Amended	HB 1092	210.870	Amended	HRB 1299
210.183	Amended	SB 869	210.900	Amended	HRB 1299
210.192	Amended	HRB 1299	210.950	Amended	HRB 1299
210.196	Amended	HRB 1299	210.1012	Amended	SB 491
210.211	Amended	HB 1064	211.038	Amended	HB 1371
210.211	Amended	HB 1831	211.038	Repealed	HB 1371
210.211	Amended	SB 869	211.038	Amended	SB 491
210.254	Amended	HRB 1299	211.081	Amended	HRB 1299
210.481	Amended	HRB 1299	211.171	Amended	SB 869
210.516	Amended	HB 1064	211.180	Amended	HRB 1299
210.536	Amended	HRB 1299	211.183	Amended	HRB 1299
210.537	Amended	HRB 1299	211.202	Amended	HB 1064
210.543	Amended	HRB 1299	211.203	Amended	HB 1064
210.545	Amended	HRB 1299	211.447	Amended	SB 530
210.551	Amended	HRB 1299	211.455	Amended	HRB 1299
210.560	Amended	HRB 1299	211.477	Amended	HRB 1299
210.720	Amended	HRB 1299	214.410	Amended	SB 491
210.829	Amended	HRB 1299	215.261	Vetoed	SB 575

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215.262	Vetoed	SB 575	221.111	Amended	SB 491
217.010	Amended	HB 1371	221.353	Amended	SB 491
217.010	Repealed	HB 1371	221.407	Vetoed	SB 584
217.010	Amended	SB 491	226.008	Amended	HRB 1299
217.025	Vetoed	SB 575	226.805	Amended	HB 1064
217.360	Repealed	SB 491	226.805	Amended	HRB 1299
217.364	Amended	SB 491	227.301	New	HB 1866
217.385	Amended	SB 491	227.316	New	HB 1866
217.400	Amended	SB 491	227.327	New	HB 1866
217.405	Amended	SB 491	227.328	New	HB 1866
217.541	Amended	SB 491	227.332	New	HB 1866
217.542	Amended	SB 491	227.344	New	HB 1866
217.543	Amended	SB 491	227.382	New	HB 1866
217.550	Vetoed	SB 575	227.399	New	HB 1866
217.567	Vetoed	SB 575	227.401	New	HB 1866
217.575	Amended	HRB 1299	227.450	New	HB 1866
217.692	Amended	SB 491	227.504	New	HB 1866
217.703	Amended	HB 1371	227.507	New	HB 1866
217.703	Repealed	HB 1371	227.520	New	HB 1866
217.703	Amended	SB 491	238.222	Vetoed	HB 1261
217.735	Amended	SB 491	238.272	Vetoed	HB 1261
217.785	Amended	SB 491	247.060	Amended	HB 1692
221.025	Amended	SB 491	247.080	Amended	HB 1692

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249.424	New	HB 1692	261.265	New	HB 2238
249.424	New	SB 672	261.270	Vetoed	HB 1326
251.100	Amended	HRB 1299	261.270	Vetoed	SB 506
251.240	Amended	HRB 1299	261.272	Vetoed	HB 1326
252.235	Amended	SB 491	261.272	Vetoed	SB 506
253.080	Amended	SB 491	261.273	Vetoed	HB 1326
253.320	Amended	HRB 1299	261.273	Vetoed	SB 506
260.207	Amended	SB 491	261.275	Vetoed	HB 1326
260.208	Amended	SB 491	261.275	Vetoed	SB 506
260.211	Amended	HB 1371	262.900	Vetoed	HB 1326
260.211	Repealed	HB 1371	262.900	Vetoed	SB 506
260.211	Amended	SB 491	262.950	Repealed	HRB 1298
260.212	Amended	HB 1371	262.950	Vetoed	SB 575
260.212	Repealed	HB 1371	262.960	New	SB 672
260.212	Amended	SB 491	262.960	New	SB 701
260.273	Amended	SB 642	262.962	New	SB 672
260.273	Amended	SB 664	262.962	New	SB 701
260.279	Amended	SB 642	265.300	Vetoed	HB 1326
260.355	Amended	SB 642	265.300	Vetoed	SB 506
260.380	Amended	SB 642	267.565	Vetoed	HB 1326
260.392	Amended	SB 642	267.565	Vetoed	SB 506
260.475	Amended	SB 642	270.260	Amended	SB 491
261.010	Amended	HRB 1299	275.352	Vetoed	HB 1326

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275.352	Vetoed	SB 506	287.243	Amended	SB 852
276.421	Amended	SB 491	287.812	Amended	HB 1064
276.536	Amended	SB 491	288.030	Amended	SB 510
277.020	Vetoed	HB 1326	288.050	Amended	SB 510
277.020	Vetoed	SB 506	288.060	Vetoed	SB 673
277.040	Vetoed	HB 1326	288.122	Vetoed	SB 673
277.040	Vetoed	SB 506	288.220	Amended	HRB 1299
277.180	Amended	SB 491	288.250	Amended	SB 491
281.065	Vetoed	HB 1326	288.270	Repealed	HRB 1299
281.065	Vetoed	SB 506	288.330	Vetoed	SB 673
285.230	Amended	HB 1190	288.395	Amended	SB 491
285.230	Vetoed	SB 693	288.500	Amended	SB 844
285.232	Amended	HB 1190	290.230	Amended	HB 1594
285.232	Vetoed	SB 693	300.320	Vetoed	HB 1707
285.233	Amended	HB 1190	300.320	Repealed	SB 852
285.233	Vetoed	SB 693	301.010	Amended	HB 1735
285.234	Amended	HB 1190	301.020	Amended	HRB 1299
285.234	Vetoed	SB 693	301.129	Repealed	HRB 1298
285.300	Amended	HRB 1299	301.129	Vetoed	SB 575
285.306	Amended	SB 491	301.390	Amended	SB 491
285.308	Amended	SB 491	301.400	Amended	SB 491
287.128	Amended	SB 491	301.401	Amended	SB 491
287.129	Amended	SB 491	301.570	Amended	SB 491

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301.580	Repealed	HB 1245	302.309	Amended	SB 491
301.640	Vetoed	HB 1999	302.321	Amended	SB 491
301.640	Amended	SB 491	302.400	New	SB 491
301.700	Amended	HB 1735	302.405	New	SB 491
301.3142	Amended	SB 600	302.410	New	SB 491
301.3166	Repealed	HB 1245	302.415	New	SB 491
301.3168	Repealed	HB 1245	302.420	New	SB 491
301.3170	Repealed	HB 1245	302.425	New	SB 491
301.3172	New	SB 600	302.426	New	SB 491
302.015	Amended	SB 491	302.440	New	SB 491
302.020	Amended	SB 491	302.442	New	SB 491
302.060	Amended	SB 491	302.454	New	SB 491
302.060	Repealed	SB 491	302.456	New	SB 491
302.065	Amended	HB 1231	302.458	New	SB 491
302.067	New	HB 1231	302.460	New	SB 491
302.133	Amended	HRB 1299	302.462	New	SB 491
302.134	Amended	HRB 1299	302.500	Amended	SB 491
302.135	Amended	HRB 1299	302.540	Amended	SB 491
302.137	Amended	HRB 1299	302.541	Amended	SB 491
302.171	Amended	HRB 1299	302.574	New	SB 491
302.178	Amended	HRB 1299	302.580	New	SB 491
302.304	Amended	SB 491	302.584	New	SB 491
302.304	Repealed	SB 491	302.592	New	SB 491

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302.605	Amended	SB 491	306.111	Repealed	SB 491
302.700	Amended	SB 491	306.112	Repealed	SB 491
302.705	Amended	SB 491	306.114	Repealed	SB 491
302.710	Amended	SB 491	306.116	Repealed	SB 491
302.727	Amended	SB 491	306.117	Repealed	SB 491
302.745	Amended	SB 491	306.118	Repealed	SB 491
302.750	Amended	SB 491	306.119	Repealed	SB 491
302.755	Amended	SB 491	306.127	Amended	SB 785
302.780	Amended	SB 491	306.141	Repealed	SB 491
303.024	Amended	SB 491	306.420	Amended	SB 491
303.025	Amended	SB 491	311.055	Amended	HB 1304
304.070	Amended	SB 491	311.200	Amended	HB 1304
304.154	Vetoed	HB 1707	311.200	Amended	SB 689
304.180	Amended	HB 1190	311.315	New	SB 491
304.180	Vetoed	HB 1326	311.325	Amended	SB 491
304.180	Vetoed	SB 506	311.489	Repealed	HRB 1298
304.190	Amended	HB 2163	311.650	Amended	HRB 1299
304.190	Amended	SB 672	313.001	Vetoed	SB 575
305.125	New	SB 491	313.004	Amended	SB 491
305.126	New	SB 491	313.040	Amended	SB 491
305.230	Amended	HB 2141	313.210	Amended	HRB 1299
305.230	Amended	SB 818	313.290	Amended	SB 491
306.110	Repealed	SB 491	313.550	Amended	SB 491

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
313.660	Amended	SB 491	319.045	Amended	HB 1867
313.800	Amended	SB 741	319.046	New	HB 1867
313.812	Amended	SB 741	319.050	Amended	HB 1867
313.817	Amended	SB 741	320.089	Amended	SB 491
313.830	Amended	SB 491	320.092	Vetoed	SB 575
313.830	Amended	SB 741	320.161	Amended	SB 491
316.265	New	SB 808	320.260	Amended	HRB 1299
317.018	Amended	SB 491	321.200	Amended	HB 1300
319.015	Amended	HB 1867	321.322	Amended	SB 672
319.016	Repealed	HB 1867	323.010	Amended	HB 2141
319.022	Amended	HB 1867	323.025	Amended	HB 2141
319.024	Amended	HB 1867	323.050	Amended	HB 2141
319.025	Amended	HB 1867	324.024	Amended	SB 808
319.026	Amended	HB 1867	324.032	Amended	HRB 1299
319.027	Amended	HB 1867	324.1142	Amended	SB 491
319.028	Repealed	HB 1867	324.1148	Amended	SB 491
319.029	Repealed	HB 1867	327.011	Amended	SB 809
319.030	Amended	HB 1867	327.031	Amended	SB 809
319.031	New	HB 1867	327.041	Amended	SB 809
319.033	New	HB 1867	327.051	Amended	SB 809
319.035	Amended	HB 1867	327.076	Amended	SB 809
319.040	Repealed	HB 1867	327.081	Amended	SB 809
319.041	Repealed	HB 1867	327.091	Amended	SB 809

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327.101	Amended	SB 809	327.351	Amended	SB 809
327.106	Amended	SB 809	327.381	Amended	SB 809
327.131	Amended	SB 809	327.391	Repealed	SB 809
327.141	Amended	SB 809	327.392	Amended	SB 809
327.151	Amended	SB 809	327.401	Amended	SB 809
327.161	Amended	SB 809	327.411	Amended	SB 809
327.171	Amended	SB 809	327.442	Amended	SB 809
327.172	Amended	SB 809	327.451	Amended	SB 809
327.181	Amended	SB 809	327.461	Amended	SB 809
327.191	Amended	SB 809	327.600	Amended	SB 809
327.221	Amended	SB 809	327.603	Amended	SB 809
327.231	Amended	SB 809	327.607	Amended	SB 809
327.241	Amended	SB 809	327.612	Amended	SB 809
327.251	Amended	SB 809	327.615	Amended	SB 809
327.261	Amended	SB 809	327.617	Amended	SB 809
327.271	Amended	SB 809	327.619	Amended	SB 809
327.272	Amended	SB 809	327.621	Amended	SB 809
327.312	Amended	SB 809	327.622	Amended	SB 809
327.313	Amended	SB 809	327.623	Repealed	SB 809
327.314	Amended	SB 809	327.629	Amended	SB 809
327.321	Amended	SB 809	327.630	Amended	SB 809
327.331	Amended	SB 809	327.631	Repealed	SB 809
327.341	Amended	SB 809	327.635	Amended	SB 809

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334.035	Amended	SB 716	338.059	Amended	SB 754
334.035	Amended	SB 754	338.059	Amended	SB 808
334.036	New	SB 716	338.165	New	SB 754
334.036	New	SB 754	338.165	New	SB 808
334.037	New	SB 716	338.195	Amended	SB 491
334.037	New	SB 754	338.220	Amended	SB 754
334.125	Amended	HRB 1299	338.220	Amended	SB 808
334.250	Amended	SB 491	338.314	Amended	HRB 1299
334.735	Amended	SB 716	338.315	Amended	SB 491
334.735	Amended	SB 754	338.321	Vetoed	SB 575
334.735	Amended	SB 808	338.370	Amended	SB 491
334.950	Amended	HB 1092	339.507	Amended	SB 672
334.950	Amended	HB 1231	339.531	New	SB 672
334.950	Amended	SB 852	340.381	Vetoed	HB 1326
334.950	Amended	SB 869	340.381	Amended	SB 492
335.096	Amended	SB 491	340.381	Vetoed	SB 506
337.615	Amended	SB 808	340.396	Vetoed	HB 1326
337.643	Amended	SB 808	340.396	Amended	SB 492
337.645	Amended	SB 808	340.396	Vetoed	SB 506
338.010	Amended	SB 716	346.010	Amended	SB 808
338.010	Amended	SB 754	346.055	Amended	SB 808
338.010	Amended	SB 808	347.179	Amended	SB 600
338.020	Amended	SB 808	348.407	Amended	SB 672

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
348.407	Amended	SB 701	374.776	Repealed	HRB 1298
348.439	Vetoed	SB 575	374.789	Amended	SB 491
349.045	Vetoed	HB 1553	375.003	Amended	SB 691
350.016	Repealed	HB 1245	375.020	Amended	SB 794
351.065	Amended	SB 600	375.310	Amended	SB 491
351.493	New	SB 491	375.537	Amended	SB 491
354.150	Amended	SB 600	375.720	Amended	SB 491
354.320	Amended	SB 491	375.786	Amended	SB 491
354.465	Amended	HB 1968	375.991	Amended	SB 491
355.021	Amended	SB 600	375.1176	Amended	SB 491
357.060	Amended	SB 600	375.1250	Amended	HB 1968
358.440	Amended	SB 600	375.1252	Amended	HB 1968
359.651	Amended	SB 600	375.1255	Amended	HB 1968
361.010	Amended	HRB 1299	375.1257	Amended	HB 1968
361.120	Vetoed	SB 575	375.1260	Amended	HB 1968
362.170	Amended	SB 491	375.1262	Amended	HB 1968
362.333	Amended	SB 794	375.1265	Amended	HB 1968
367.031	Amended	SB 491	375.1267	Amended	HB 1968
367.045	Amended	SB 491	375.1269	Amended	HB 1968
374.210	Amended	SB 491	375.1270	Amended	HB 1968
374.216	Amended	SB 491	375.1272	Amended	HB 1968
374.702	Amended	SB 491	375.1275	Amended	HB 1968
374.757	Amended	SB 491	375.1287	Amended	SB 491

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
376.810	Amended	HB 1064	382.275	Amended	SB 491
376.819	Amended	HRB 1299	383.250	Repealed	HRB 1298
376.825	Repealed	HRB 1298	383.250	Vetoed	SB 575
376.826	Repealed	HRB 1298	384.015	Amended	HB 1361
376.827	Repealed	HRB 1298	384.017	Amended	HB 1361
376.830	Repealed	HRB 1298	384.018	New	HB 1361
376.833	Repealed	HRB 1298	384.021	Amended	HB 1361
376.836	Repealed	HRB 1298	384.023	Amended	HB 1361
376.998	Vetoed	SB 508	386.145	Vetoed	SB 575
376.1060	New	SB 884	389.065	Vetoed	HB 1707
376.1190	Vetoed	SB 575	389.585	Repealed	HB 1867
376.1257	New	SB 668	389.586	Repealed	HB 1867
376.1363	Amended	SB 716	389.587	Repealed	HB 1867
376.2004	Vetoed	SB 508	389.588	Repealed	HB 1867
379.011	Amended	HB 1079	389.589	Repealed	HB 1867
379.011	Amended	SB 609	389.591	Repealed	HB 1867
379.012	Amended	HB 1079	389.653	Amended	SB 491
379.012	Amended	SB 609	390.280	Repealed	HB 1245
379.118	Amended	SB 691	392.415	Amended	SB 651
379.827	New	SB 691	392.461	Amended	SB 651
379.901	Amended	SB 606	392.611	Amended	SB 651
380.391	Amended	SB 491	393.171	Repealed	HRB 1298
382.020	Amended	SB 794	394.120	Amended	HB 1651

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394.120	Amended	SB 734	407.485	Amended	HRB 1298
394.250	Amended	SB 600	407.516	Amended	SB 491
400.9.102	Amended	HB 1376	407.521	Amended	SB 491
400.9.105	Amended	HB 1376	407.536	Amended	SB 491
400.9.311	Amended	HB 1376	407.544	Amended	SB 491
400.9.317	Amended	HB 1376	407.725	Amended	SB 610
400.9.326	Amended	HB 1376	407.925	Overridden	SB 841
400.9.501	Amended	HB 1412	407.926	Overridden	SB 841
400.9.503	Amended	HB 1376	407.927	Overridden	SB 841
400.9.507	Amended	HB 1376	407.929	Overridden	SB 841
400.9.516	Amended	HB 1376	407.931	Overridden	SB 841
400.9.516	Amended	HB 1412	407.933	Overridden	SB 841
400.9.607	Amended	HB 1376	407.934	Overridden	SB 841
400.9.802	Amended	HB 1376	407.1082	Amended	SB 491
400.9.805	Amended	HB 1376	407.1150	New	HB 1665
400.9.806	Amended	HB 1376	407.1252	Amended	SB 491
400.2A.103	Amended	HB 1376	407.1400	New	HB 1270
402.134	Amended	HB 1523	407.1610	New	SB 672
407.020	Amended	SB 491	408.040	Amended	HB 1231
407.095	Amended	SB 491	408.040	Amended	SB 621
407.300	Repealed	HB 1245	408.040	Amended	SB 672
407.420	Amended	SB 491	408.500	Vetoed	SB 694
407.436	Amended	SB 491	408.505	Vetoed	SB 694

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408.506	Vetoed	SB 694	429.012	Amended	SB 491
408.512	Overridden	SB 866	429.013	Amended	SB 491
411.287	Amended	SB 491	429.014	Amended	SB 491
411.371	Amended	SB 491	431.056	Amended	HB 1092
411.517	Amended	SB 491	431.058	Amended	SB 532
411.770	Amended	SB 491	431.061	Amended	SB 532
413.225	Amended	HB 2141	431.062	Amended	SB 532
413.226	Amended	HB 2141	434.300	New	HB 1217
413.229	Amended	SB 491	434.301	New	HB 1217
415.400	Amended	HB 1225	434.302	New	HB 1217
415.405	Amended	HB 1225	434.303	New	HB 1217
415.410	Amended	HB 1225	434.304	New	HB 1217
415.415	Amended	HB 1225	436.485	Amended	SB 491
415.417	Amended	HB 1225	441.005	Amended	HB 1410
415.420	Amended	HB 1225	441.005	Amended	SB 655
415.425	Amended	HB 1225	441.500	Amended	HB 1410
416.650	New	SB 706	441.500	Amended	SB 655
416.652	New	SB 706	441.760	Amended	HB 1410
416.654	New	SB 706	441.760	Amended	SB 655
416.656	New	SB 706	441.770	Amended	HB 1410
416.658	New	SB 706	441.770	Amended	SB 655
417.220	Amended	SB 600	442.571	Vetoed	HB 1326
419.090	New	SB 735	442.571	Vetoed	SB 506

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443.805	Amended	HRB 1298	447.560	Amended	HB 1693
443.810	Amended	SB 491	447.560	Amended	SB 621
443.819	Amended	SB 491	447.569	Amended	HB 1075
444.510	Amended	SB 642	447.584	Amended	HB 1075
444.520	Amended	SB 642	447.584	Amended	HB 1693
444.762	Amended	SB 642	447.584	Amended	SB 621
444.765	Amended	SB 642	448.3.116	Amended	HB 1218
444.768	New	SB 642	451.040	Amended	SB 796
444.770	Amended	SB 642	452.345	Amended	HRB 1299
444.772	Amended	HB 1201	452.346	Amended	HRB 1299
444.772	Amended	SB 642	452.347	Amended	HRB 1299
444.773	Amended	HB 1201	452.350	Amended	HRB 1299
444.773	Amended	SB 642	452.370	Amended	HRB 1299
444.805	Amended	SB 642	452.416	Amended	HRB 1299
447.503	Amended	HB 1075	452.556	Amended	HB 1231
447.534	New	HB 1075	452.556	Vetoed	SB 615
447.534	New	HB 1693	452.556	Amended	SB 621
447.534	New	SB 621	453.005	Amended	HRB 1299
447.535	Amended	HB 1075	453.014	Amended	HRB 1299
447.536	Amended	HB 1075	453.015	Amended	HRB 1299
447.547	Amended	HB 1075	453.026	Amended	HRB 1299
447.548	New	HB 1075	453.065	Amended	HRB 1299
447.560	Amended	HB 1075	453.070	Amended	HRB 1299

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
453.073	Amended	SB 869	454.460	Amended	HRB 1299
453.074	Amended	HRB 1299	454.465	Amended	HRB 1299
453.074	Amended	SB 869	454.472	Amended	HRB 1299
453.077	Amended	HRB 1299	454.478	Amended	HRB 1299
453.102	Amended	HRB 1299	454.490	Amended	HRB 1299
453.110	Amended	HRB 1299	454.495	Amended	HRB 1299
453.110	Amended	SB 491	454.496	Amended	HRB 1299
453.400	Amended	HRB 1299	454.500	Amended	HB 1231
454.400	Amended	HRB 1299	454.500	Amended	HRB 1299
454.403	Amended	HRB 1299	454.505	Amended	HRB 1299
454.405	Amended	HRB 1299	454.513	Amended	HRB 1299
454.408	Amended	HRB 1299	454.530	Amended	HRB 1299
454.415	Amended	HRB 1299	454.531	Amended	HRB 1299
454.420	Amended	HRB 1299	454.565	Amended	HRB 1299
454.425	Amended	HRB 1299	454.600	Amended	HRB 1299
454.430	Amended	HRB 1299	454.700	Amended	HRB 1299
454.432	Amended	HRB 1299	454.853	Amended	HRB 1299
454.433	Amended	HRB 1299	454.902	Amended	HRB 1299
454.435	Amended	HRB 1299	454.1000	Amended	HRB 1299
454.440	Amended	HRB 1299	454.1003	Amended	HRB 1299
454.445	Amended	HRB 1299	454.1023	Amended	HRB 1299
454.450	Amended	HRB 1299	454.1027	Amended	HRB 1299
454.455	Amended	HRB 1299	454.1029	Amended	HRB 1299

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455.007	Amended	HB 1231	476.320	Amended	SB 621
455.085	Amended	SB 491	476.330	Amended	SB 621
455.538	Amended	SB 491	476.340	Amended	SB 621
456.950	Amended	HB 1231	476.385	Vetoed	SB 615
456.950	Amended	SB 500	476.385	Vetoed	SB 615
456.2.205	New	SB 500	476.445	Repealed	HB 1231
456.4.420	New	HB 1231	476.681	Vetoed	SB 575
456.4.420	New	SB 500	477.081	Repealed	HB 1231
456.4.420	New	SB 621	477.082	Repealed	HB 1231
474.395	New	HB 1231	477.152	Repealed	HB 1231
474.395	New	SB 500	477.160	Amended	HB 1231
474.395	New	SB 621	477.170	Amended	HB 1231
475.010	Amended	HB 1064	477.180	Amended	HB 1231
475.120	Amended	HB 1064	477.181	Repealed	HB 1231
475.355	Amended	HB 1064	477.190	Repealed	HB 1231
476.001	Amended	SB 621	477.191	Repealed	HB 1231
476.055	Repealed	HB 1245	478.240	Amended	SB 621
476.055	Amended	HB 1371	478.320	Amended	HB 1231
476.055	Repealed	HB 1371	478.320	Vetoed	SB 615
476.055	Amended	SB 491	478.320	Amended	SB 621
476.055	Repealed	SB 491	478.437	Amended	HB 1231
476.055	Vetoed	SB 575	478.437	Vetoed	SB 615
476.056	Vetoed	SB 615	478.437	Amended	SB 621

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478.464	Amended	HB 1231	488.012	Vetoed	SB 615
478.464	Vetoed	SB 615	488.014	Amended	HB 1231
478.464	Amended	SB 621	488.014	Vetoed	SB 615
478.513	Amended	HB 1231	488.026	Amended	HB 1231
478.513	Vetoed	SB 615	488.305	Amended	HB 1231
478.513	Amended	SB 621	488.305	Amended	SB 621
478.600	Amended	HB 1231	488.305	Amended	SB 672
478.600	Vetoed	SB 615	488.426	Amended	HB 1238
478.600	Amended	SB 621	488.426	Vetoed	SB 615
478.610	Amended	HB 1231	488.607	Amended	HB 1238
478.610	Amended	SB 621	488.607	Vetoed	SB 615
478.740	New	HB 1231	488.2205	Repealed	HRB 1298
478.740	Vetoed	SB 615	488.2206	New	HB 1231
478.740	New	SB 621	488.2206	New	HB 1238
479.172	New	SB 491	488.2206	Vetoed	SB 615
483.140	Amended	HB 1231	488.2206	New	SB 621
483.140	Vetoed	HB 1553	488.2235	New	HB 1238
483.140	Amended	HB 1665	488.2235	Vetoed	SB 615
483.140	Vetoed	SB 615	488.2245	New	HB 1231
483.163	Amended	HRB 1299	494.430	Amended	HB 1320
487.080	Amended	HRB 1299	508.010	Amended	SB 890
487.150	Amended	HRB 1299	512.180	Amended	HB 1410
488.012	Amended	HB 1238	512.180	Amended	SB 655

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513.430	Amended	HRB 1299	534.350	Amended	HB 1410
513.660	New	SB 491	534.350	Amended	SB 655
516.140	Amended	HB 1231	534.360	Amended	HB 1410
516.350	Amended	HB 1231	534.360	Amended	SB 655
516.350	Amended	HRB 1299	534.380	Amended	HB 1410
516.350	Amended	SB 655	534.380	Amended	SB 655
525.040	Amended	HB 1231	535.030	Amended	HB 1410
525.040	Amended	SB 621	535.030	Amended	SB 655
525.040	Amended	SB 672	535.110	Amended	HB 1410
525.070	Amended	HB 1231	535.110	Amended	SB 655
525.070	Amended	SB 621	535.160	Amended	HB 1410
525.070	Amended	SB 672	535.160	Amended	SB 655
525.080	Amended	HB 1231	535.170	Amended	HB 1410
525.080	Amended	SB 621	535.170	Amended	SB 655
525.080	Amended	SB 672	535.200	Amended	HB 1410
525.230	Amended	HB 1231	535.200	Amended	SB 655
525.230	Amended	SB 621	535.210	Amended	HB 1410
525.230	Amended	SB 672	535.210	Amended	SB 655
525.310	Amended	HB 1231	536.016	Amended	SB 504
525.310	Amended	SB 621	537.123	New	SB 491
525.310	Amended	SB 672	537.127	New	SB 491
534.060	Amended	HB 1410	537.325	Vetoed	HB 1326
534.060	Amended	SB 655	537.325	Vetoed	SB 506

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537.602	New	HB 1231	556.038	New	SB 491
542.301	Amended	HRB 1298	556.041	Amended	SB 491
542.402	Amended	SB 491	556.046	Amended	SB 491
542.425	New	SB 491	556.051	Repealed	SB 491
544.216	Amended	HB 1665	556.056	Repealed	SB 491
544.216	Amended	SB 745	556.061	Amended	HB 1371
544.218	New	SB 491	556.061	Repealed	HB 1371
544.472	New	SB 491	556.061	Amended	SB 491
544.665	Amended	SB 491	556.063	Repealed	SB 491
545.940	New	HB 1371	556.101	New	SB 491
545.940	New	SB 491	557.016	Amended	SB 491
550.040	Vetoed	SB 615	557.021	Amended	SB 491
550.040	Repealed	SB 621	557.026	Amended	SB 491
550.060	Vetoed	SB 615	557.031	Amended	SB 491
550.060	Repealed	SB 621	557.035	Amended	SB 491
552.040	Amended	HB 1064	557.036	Amended	SB 491
556.011	Amended	SB 491	557.041	Amended	SB 491
556.016	Repealed	SB 491	557.046	Repealed	SB 491
556.021	Amended	SB 491	557.051	New	SB 491
556.022	Repealed	SB 491	558.002	New	SB 491
556.026	Amended	SB 491	558.004	New	SB 491
556.036	Amended	SB 491	558.006	New	SB 491
556.037	Amended	SB 491	558.008	New	SB 491

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558.016	Amended	SB 491	559.600	Amended	SB 491
558.018	Repealed	SB 491	559.604	Amended	SB 491
558.019	Amended	HB 1371	559.633	Amended	HB 1371
558.019	Repealed	HB 1371	559.633	Repealed	HB 1371
558.019	Amended	SB 491	559.633	Amended	SB 491
558.031	Amended	SB 491	560.011	Repealed	SB 491
558.041	Amended	SB 491	560.016	Repealed	SB 491
558.046	Amended	SB 491	560.021	Repealed	SB 491
559.012	Amended	SB 491	560.026	Repealed	SB 491
559.021	Amended	SB 491	560.031	Amended	SB 491
559.036	Amended	HB 1371	560.036	Repealed	SB 491
559.036	Repealed	HB 1371	561.016	Amended	SB 491
559.036	Amended	SB 491	561.021	Amended	SB 491
559.100	Amended	SB 491	562.011	Amended	SB 491
559.106	Amended	HB 1371	562.012	New	SB 491
559.106	Repealed	HB 1371	562.014	New	SB 491
559.106	Amended	SB 491	562.016	Amended	SB 491
559.110	Amended	SB 491	562.031	Amended	SB 491
559.115	Amended	HB 1371	562.036	Amended	SB 491
559.115	Repealed	HB 1371	562.041	Amended	SB 491
559.115	Amended	SB 491	562.051	Amended	SB 491
559.120	Amended	SB 491	562.056	Amended	SB 491
559.125	Amended	SB 491	562.061	Amended	SB 491

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562.066	Amended	SB 491	565.029	New	SB 491
562.071	Amended	SB 491	565.030	Amended	HB 1064
562.076	Amended	SB 491	565.035	Amended	SB 491
562.086	Amended	SB 491	565.050	Amended	SB 491
563.021	Amended	SB 491	565.052	New	SB 491
563.026	Amended	SB 491	565.054	New	SB 491
563.033	Amended	HB 1064	565.056	New	SB 491
563.046	Amended	SB 491	565.060	Repealed	SB 491
563.051	Amended	SB 491	565.063	Repealed	SB 491
563.056	Amended	SB 491	565.065	Repealed	SB 491
563.061	Amended	SB 491	565.070	Repealed	SB 491
563.070	Amended	SB 491	565.072	Amended	SB 491
564.011	Repealed	SB 491	565.073	Amended	HB 1371
564.016	Repealed	SB 491	565.073	Repealed	HB 1371
565.002	Amended	HB 1371	565.073	Amended	SB 491
565.002	Repealed	HB 1371	565.074	Amended	SB 491
565.002	Amended	SB 491	565.075	Repealed	SB 491
565.004	Amended	SB 491	565.076	New	SB 491
565.010	New	SB 491	565.079	New	SB 491
565.023	Amended	SB 491	565.080	Repealed	SB 491
565.024	Amended	SB 491	565.081	Repealed	SB 491
565.025	Repealed	SB 491	565.082	Repealed	SB 491
565.027	New	SB 491	565.083	Repealed	SB 491

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565.084	Repealed	SB 491	565.184	Amended	SB 491
565.085	Repealed	SB 491	565.186	Repealed	SB 491
565.086	Repealed	SB 491	565.188	Amended	SB 491
565.090	Amended	SB 491	565.189	New	SB 491
565.091	New	SB 491	565.190	Repealed	SB 491
565.092	Repealed	SB 491	565.200	Repealed	SB 491
565.095	Repealed	SB 491	565.210	Repealed	SB 491
565.100	Repealed	SB 491	565.212	Repealed	SB 491
565.110	Amended	SB 491	565.214	Repealed	SB 491
565.115	Amended	SB 491	565.216	Amended	SB 491
565.120	Amended	SB 491	565.218	Amended	SB 491
565.130	Amended	SB 491	565.220	Repealed	SB 491
565.140	Amended	SB 491	565.222	New	SB 491
565.149	Repealed	SB 491	565.225	Amended	SB 491
565.150	Amended	SB 491	565.227	New	SB 491
565.153	Amended	SB 491	565.240	New	SB 491
565.156	Amended	SB 491	565.250	Repealed	SB 491
565.160	Amended	SB 491	565.252	Amended	SB 491
565.163	Amended	SB 491	565.253	Repealed	SB 491
565.165	Repealed	SB 491	565.255	Repealed	SB 491
565.169	Repealed	SB 491	565.300	Amended	SB 491
565.180	Repealed	SB 491	565.350	Repealed	SB 491
565.182	Repealed	SB 491	566.010	Amended	SB 491

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566.013	Repealed	SB 491	566.125	New	SB 491
566.020	Amended	SB 491	566.135	Repealed	HB 1371
566.023	Amended	SB 491	566.135	Repealed	SB 491
566.030	Amended	SB 491	566.140	Repealed	SB 491
566.031	Amended	SB 491	566.141	Repealed	SB 491
566.032	Amended	SB 491	566.145	Amended	SB 491
566.034	Amended	SB 491	566.147	Amended	HB 1371
566.060	Amended	SB 491	566.147	Repealed	HB 1371
566.061	Amended	SB 491	566.147	Amended	SB 491
566.062	Amended	SB 491	566.148	Amended	HB 1371
566.064	Amended	SB 491	566.148	Repealed	HB 1371
566.067	Amended	SB 491	566.148	Amended	SB 491
566.068	Amended	SB 491	566.149	Amended	HB 1371
566.069	New	SB 491	566.149	Repealed	HB 1371
566.071	New	SB 491	566.149	Amended	SB 491
566.083	Amended	SB 491	566.150	Amended	SB 491
566.086	Amended	SB 491	566.153	Amended	SB 491
566.093	Amended	SB 491	566.155	Amended	SB 491
566.100	Amended	SB 491	566.203	Amended	SB 491
566.101	Amended	SB 491	566.206	Amended	SB 491
566.111	Amended	SB 491	566.209	Amended	SB 491
566.115	New	SB 491	566.210	New	SB 491
566.116	New	SB 491	566.211	New	SB 491

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566.212	Repealed	SB 491	568.045	Amended	SB 491
566.213	Repealed	SB 491	568.050	Amended	SB 491
566.215	Amended	SB 491	568.052	Repealed	SB 491
566.218	Amended	SB 491	568.060	Amended	SB 491
566.221	Repealed	SB 491	568.065	Amended	SB 491
566.224	Repealed	SB 491	568.070	Amended	SB 491
566.226	Repealed	SB 491	568.080	Repealed	SB 491
566.265	Repealed	SB 491	568.090	Repealed	SB 491
567.010	Amended	SB 491	568.100	Repealed	SB 491
567.020	Amended	SB 491	568.110	Repealed	SB 491
567.030	Amended	SB 491	568.120	Repealed	SB 491
567.050	Amended	SB 491	568.175	Amended	SB 491
567.060	Amended	SB 491	569.010	Amended	SB 491
567.070	Amended	SB 491	569.020	Repealed	SB 491
567.080	Amended	SB 491	569.025	Repealed	SB 491
567.087	Amended	SB 491	569.030	Repealed	SB 491
567.110	Amended	SB 491	569.035	Repealed	SB 491
567.120	Amended	SB 491	569.040	Amended	SB 491
568.010	Amended	SB 491	569.050	Amended	SB 491
568.020	Amended	SB 491	569.053	New	SB 491
568.030	Amended	SB 491	569.055	Amended	SB 491
568.032	Amended	SB 491	569.060	Amended	SB 491
568.040	Amended	SB 491	569.065	Amended	SB 491

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569.067	Repealed	SB 491	569.180	Amended	SB 491
569.070	Repealed	SB 491	570.010	Amended	SB 491
569.072	Repealed	SB 491	570.020	Amended	SB 491
569.075	New	SB 491	570.023	New	SB 491
569.080	Amended	SB 491	570.025	New	SB 491
569.090	Amended	SB 491	570.030	Amended	SB 491
569.094	Repealed	SB 491	570.033	Repealed	SB 491
569.095	Amended	SB 491	570.039	New	SB 491
569.097	Amended	SB 491	570.040	Repealed	SB 491
569.099	Amended	SB 491	570.050	Repealed	SB 491
569.100	Amended	SB 491	570.053	New	SB 491
569.120	Amended	SB 491	570.055	Repealed	SB 491
569.130	Amended	HB 1410	570.057	New	SB 491
569.130	Amended	SB 655	570.070	Amended	SB 491
569.132	New	SB 491	570.080	Repealed	SB 491
569.135	New	SB 491	570.085	Amended	SB 491
569.137	New	SB 491	570.087	Repealed	SB 491
569.140	Amended	SB 491	570.090	Amended	SB 491
569.145	Amended	SB 491	570.100	Amended	SB 491
569.150	Amended	SB 491	570.103	Amended	SB 491
569.155	Amended	SB 491	570.110	Amended	SB 491
569.160	Amended	SB 491	570.120	Amended	SB 491
569.170	Amended	SB 491	570.123	Amended	SB 491

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570.125	Amended	SB 491	570.240	Repealed	SB 491
570.130	Amended	SB 491	570.241	Repealed	SB 491
570.135	Amended	SB 491	570.245	Repealed	SB 491
570.140	Amended	SB 491	570.255	Repealed	SB 491
570.145	Amended	SB 491	570.300	Amended	SB 491
570.150	Amended	SB 491	570.302	New	SB 491
570.155	Repealed	SB 491	570.310	Amended	SB 491
570.160	Repealed	SB 491	570.350	New	SB 491
570.170	Repealed	SB 491	570.375	New	SB 491
570.180	Amended	SB 491	570.380	Amended	SB 491
570.190	Repealed	SB 491	570.400	New	SB 491
570.200	Repealed	SB 491	570.402	New	SB 491
570.210	Amended	SB 491	570.404	New	SB 491
570.215	Repealed	SB 491	570.406	New	SB 491
570.217	Amended	SB 491	570.410	New	SB 491
570.219	Amended	SB 491	571.012	Overridden	SB 656
570.220	Amended	SB 491	571.030	Overridden	SB 656
570.222	Repealed	SB 491	571.030	Amended	SB 745
570.223	Amended	SB 491	571.030	Amended	SB 852
570.224	Amended	SB 491	571.101	Overridden	SB 656
570.225	Amended	SB 491	571.101	Amended	SB 745
570.230	Repealed	SB 491	571.104	Amended	SB 745
570.235	Repealed	SB 491	571.107	Overridden	SB 656

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571.111	Overridden	SB 656	573.052	Amended	SB 491
571.111	Amended	SB 745	573.060	Amended	SB 491
571.117	Overridden	SB 656	573.065	Amended	SB 491
571.510	Overridden	SB 656	573.090	Amended	SB 491
572.010	Amended	SB 491	573.100	Amended	SB 491
572.015	New	SB 491	573.200	New	SB 491
572.020	Amended	SB 491	573.205	New	SB 491
572.030	Amended	SB 491	573.215	New	SB 491
572.040	Amended	SB 491	573.500	Repealed	SB 491
572.050	Amended	SB 491	573.509	Amended	SB 491
572.060	Amended	SB 491	573.528	Repealed	SB 491
572.070	Amended	SB 491	573.531	Amended	SB 491
572.110	Repealed	SB 491	574.005	New	SB 491
572.120	Repealed	SB 491	574.010	Amended	SB 491
573.010	Amended	SB 491	574.020	Amended	SB 491
573.013	Repealed	SB 491	574.030	Repealed	SB 491
573.020	Amended	SB 491	574.035	Amended	SB 491
573.023	Amended	SB 491	574.040	Amended	SB 491
573.025	Amended	SB 491	574.050	Amended	SB 491
573.030	Amended	SB 491	574.060	Amended	SB 491
573.035	Amended	SB 491	574.070	Amended	SB 491
573.037	Amended	SB 491	574.075	Amended	SB 491
573.040	Amended	SB 491	574.080	New	SB 491

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574.085	Amended	SB 491	575.145	Amended	SB 491
574.105	Amended	SB 491	575.150	Amended	SB 491
574.115	Amended	SB 491	575.153	Amended	HB 1231
574.120	New	SB 491	575.153	Amended	SB 491
574.125	New	SB 491	575.153	Vetoed	SB 615
574.130	New	SB 491	575.153	Overridden	SB 656
574.140	New	SB 491	575.155	New	SB 491
574.160	New	HB 1372	575.157	New	SB 491
575.020	Amended	SB 491	575.159	Amended	SB 491
575.021	Repealed	SB 491	575.160	Amended	SB 491
575.030	Amended	SB 491	575.170	Amended	SB 491
575.040	Amended	SB 491	575.180	Amended	SB 491
575.050	Amended	SB 491	575.190	Amended	SB 491
575.060	Amended	SB 491	575.195	Amended	SB 491
575.070	Amended	SB 491	575.200	Amended	SB 491
575.080	Amended	SB 491	575.205	Amended	SB 491
575.090	Amended	SB 491	575.206	Amended	SB 491
575.095	New	SB 491	575.210	Amended	SB 491
575.100	Amended	SB 491	575.220	Amended	SB 491
575.110	Amended	SB 491	575.230	Amended	SB 491
575.120	Amended	SB 491	575.240	Amended	SB 491
575.130	Amended	SB 491	575.250	Amended	SB 491
575.133	New	SB 491	575.260	Amended	SB 491

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575.270	Amended	SB 491	577.010	Amended	SB 491
575.280	Amended	SB 491	577.012	Amended	SB 491
575.290	Amended	SB 491	577.013	New	HB 1371
575.300	Amended	SB 491	577.013	New	SB 491
575.310	Amended	SB 491	577.014	New	SB 491
575.320	Amended	SB 491	577.015	New	SB 491
575.350	Repealed	SB 491	577.016	New	SB 491
575.353	Amended	SB 491	577.017	Amended	SB 491
576.010	Amended	SB 491	577.020	Amended	HB 1371
576.020	Amended	SB 491	577.020	Repealed	HB 1371
576.030	Amended	SB 491	577.020	Amended	SB 491
576.040	Amended	SB 491	577.021	Amended	SB 491
576.050	Amended	SB 491	577.023	Amended	SB 491
576.060	Amended	SB 491	577.024	New	SB 491
576.070	Amended	SB 491	577.025	New	SB 491
576.080	Amended	SB 491	577.026	Repealed	SB 491
577.001	Amended	HB 1371	577.029	Amended	SB 491
577.001	Repealed	HB 1371	577.037	Amended	HB 1371
577.001	Amended	SB 491	577.037	Repealed	HB 1371
577.005	Repealed	SB 491	577.037	Amended	SB 491
577.006	Repealed	SB 491	577.039	Amended	SB 491
577.010	Amended	HB 1371	577.041	Amended	HB 1371
577.010	Repealed	HB 1371	577.041	Repealed	HB 1371

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577.041	Amended	SB 491	577.161	Amended	SB 491
577.041	Repealed	SB 491	577.201	Repealed	SB 491
577.049	Repealed	SB 491	577.203	Repealed	SB 491
577.051	Repealed	SB 491	577.206	Repealed	SB 491
577.052	Amended	SB 491	577.208	Repealed	SB 491
577.054	Repealed	SB 491	577.211	Repealed	SB 491
577.060	Amended	SB 491	577.214	Repealed	SB 491
577.065	Repealed	SB 491	577.217	Amended	SB 491
577.068	Amended	SB 491	577.221	Repealed	SB 491
577.070	Amended	SB 491	577.300	New	SB 491
577.071	Repealed	SB 491	577.500	Repealed	SB 491
577.073	Amended	SB 491	577.505	Repealed	SB 491
577.075	Amended	SB 491	577.510	Repealed	SB 491
577.076	Amended	SB 491	577.515	Repealed	SB 491
577.078	New	SB 491	577.520	Repealed	SB 491
577.080	Amended	SB 491	577.525	Repealed	SB 491
577.090	Repealed	SB 491	577.530	Repealed	SB 491
577.100	Amended	SB 491	577.599	New	SB 491
577.105	Repealed	SB 491	577.600	Amended	SB 491
577.110	Repealed	SB 491	577.602	Repealed	SB 491
577.150	Amended	SB 491	577.604	Amended	SB 491
577.155	Amended	SB 491	577.605	New	SB 491
577.160	Repealed	SB 491	577.606	Repealed	SB 491

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577.608	Amended	HRB 1299	578.025	Amended	SB 491
577.608	Repealed	SB 491	578.026	New	SB 491
577.610	Amended	SB 491	578.027	Amended	SB 491
577.612	Amended	SB 491	578.028	Amended	SB 491
577.614	Repealed	SB 491	578.029	Amended	SB 491
577.625	Repealed	SB 491	578.030	Amended	SB 491
577.628	Repealed	SB 491	578.050	Amended	SB 491
577.665	New	HB 1411	578.075	Repealed	SB 491
577.675	Amended	SB 491	578.095	Amended	SB 491
577.680	Repealed	SB 491	578.120	Amended	HB 1735
577.700	New	SB 491	578.150	Repealed	SB 491
577.706	New	SB 491	578.151	Amended	SB 491
577.709	New	SB 491	578.152	Amended	SB 491
577.712	New	SB 491	578.153	Amended	SB 491
577.715	New	SB 491	578.154	Repealed	SB 491
577.718	New	SB 491	578.173	Amended	SB 491
578.008	Repealed	SB 491	578.176	Amended	SB 491
578.009	Amended	SB 491	578.200	Repealed	SB 491
578.012	Amended	SB 491	578.205	Repealed	SB 491
578.018	Amended	SB 491	578.210	Repealed	SB 491
578.021	Amended	SB 491	578.215	Repealed	SB 491
578.023	Amended	SB 491	578.220	Repealed	SB 491
578.024	Amended	SB 491	578.225	Repealed	SB 491

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578.250	Amended	SB 491	578.392	Repealed	SB 491
578.255	Repealed	SB 491	578.398	New	SB 491
578.260	Repealed	SB 491	578.399	New	SB 491
578.265	Repealed	SB 491	578.405	Amended	SB 491
578.300	Repealed	SB 491	578.407	Repealed	SB 491
578.310	Repealed	SB 491	578.409	Repealed	SB 491
578.315	Repealed	SB 491	578.412	Repealed	SB 491
578.320	Repealed	SB 491	578.414	Repealed	SB 491
578.325	Repealed	SB 491	578.416	Repealed	SB 491
578.330	Repealed	SB 491	578.418	Repealed	SB 491
578.350	Amended	SB 491	578.420	Repealed	SB 491
578.353	Repealed	SB 491	578.421	Amended	SB 491
578.360	Repealed	SB 491	578.425	Amended	SB 491
578.363	Repealed	SB 491	578.430	Amended	SB 491
578.365	Amended	SB 491	578.433	Repealed	SB 491
578.375	Repealed	SB 491	578.437	Amended	SB 491
578.377	Repealed	SB 491	578.445	Repealed	SB 491
578.379	Repealed	SB 491	578.450	Repealed	SB 491
578.381	Repealed	SB 491	578.475	New	SB 491
578.383	Repealed	SB 491	578.500	Repealed	SB 491
578.387	Repealed	SB 491	578.501	Repealed	HB 1231
578.389	Repealed	SB 491	578.501	Repealed	HB 1372
578.390	Repealed	SB 491	578.502	Repealed	HB 1231

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578.502	Repealed	HB 1372	579.076	New	SB 491
578.503	Repealed	HB 1231	579.078	New	SB 491
578.503	Repealed	HB 1372	579.080	New	SB 491
578.510	Repealed	SB 491	579.082	New	SB 491
578.520	Amended	SB 491	579.084	New	SB 491
578.525	Amended	SB 491	579.086	New	SB 491
578.530	Repealed	SB 491	579.090	New	SB 491
578.570	Repealed	SB 491	579.095	New	SB 491
578.614	Amended	SB 491	579.097	New	SB 491
579.015	New	SB 491	579.099	New	SB 491
579.020	New	SB 491	579.101	New	SB 491
579.030	New	SB 491	579.103	New	SB 491
579.040	New	SB 491	579.105	New	HB 1371
579.045	New	SB 491	579.105	New	SB 491
579.050	New	SB 491	579.107	New	SB 491
579.055	New	SB 491	579.110	New	SB 491
579.060	New	HB 1371	579.115	New	SB 491
579.060	New	SB 491	579.150	New	SB 491
579.065	New	SB 491	579.155	New	SB 491
579.068	New	SB 491	579.170	New	SB 491
579.070	New	SB 491	579.175	New	SB 491
579.072	New	SB 491	579.185	New	SB 491
579.074	New	SB 491	589.015	Amended	SB 491

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589.400	Amended	SB 491	610.122	Amended	HB 1665
589.425	Amended	SB 491	610.122	Vetoed	HB 1707
590.010	Overridden	SB 656	610.125	Amended	SB 491
590.040	Amended	HRB 1299	610.130	New	SB 491
590.200	Overridden	SB 656	620.010	Amended	HRB 1299
590.205	Overridden	SB 656	620.050	Vetoed	SB 575
590.207	Overridden	SB 656	620.483	Amended	HRB 1299
590.700	Amended	SB 491	620.484	New	HRB 1299
590.750	Overridden	SB 656	620.490	Amended	HRB 1299
590.750	New	SB 852	620.556	Amended	HRB 1299
595.030	Amended	HRB 1299	620.558	Amended	HRB 1299
595.036	Amended	HRB 1299	620.560	Amended	HRB 1299
595.037	Amended	HRB 1299	620.562	Amended	HRB 1299
595.060	Amended	HRB 1299	620.566	Amended	HRB 1299
595.223	New	SB 491	620.570	Amended	HRB 1299
595.226	New	SB 491	620.572	Amended	HRB 1299
595.229	New	SB 491	620.602	Repealed	HRB 1298
595.232	New	SB 491	620.602	Vetoed	SB 575
610.021	Vetoed	SB 615	620.750	New	HB 1506
610.029	Amended	HRB 1299	620.750	New	SB 729
610.120	Amended	HB 1665	620.1100	Amended	HRB 1299
610.120	Vetoed	HB 1707	620.1300	Vetoed	SB 575
610.120	Amended	HRB 1299	620.1580	Amended	HRB 1299

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
620.2600	New	HB 1459	632.484	Amended	SB 621
620.2600	New	SB 729	632.520	New	HB 1231
620.3100	New	SB 812	632.520	New	SB 852
621.275	New	HRB 1299	633.020	Amended	HB 1064
630.003	Amended	HB 1064	633.105	Amended	HB 1064
630.005	Amended	HB 1064	633.170	Amended	HB 1064
630.010	Vetoed	SB 575	633.401	Amended	HB 1064
630.097	Amended	HRB 1299	633.410	Repealed	HRB 1298
630.130	Amended	HB 1064	640.015	Amended	SB 642
630.155	Amended	SB 491	640.016	Amended	SB 642
630.161	New	SB 491	640.100	Amended	SB 642
630.164	New	SB 491	640.850	Repealed	HRB 1298
630.165	Amended	SB 491	643.055	Amended	HB 1302
630.167	Amended	SB 716	643.055	Amended	SB 642
630.175	Amended	HB 1779	643.055	Amended	SB 664
630.340	Amended	HB 1064	643.079	Amended	SB 642
630.461	Repealed	HRB 1298	643.640	New	HB 1631
630.461	Vetoed	SB 575	643.640	New	SB 664
630.705	Amended	HB 1064	644.026	Amended	SB 642
632.070	Amended	HRB 1299	644.051	Amended	SB 642
632.480	Amended	SB 491	644.057	Amended	SB 642
632.480	Amended	SB 621	644.058	New	SB 642
632.483	Amended	SB 621	644.058	New	SB 664

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
644.145	Amended	SB 642	660.067	Repealed	HRB 1299
644.145	Amended	SB 664	660.069	Repealed	HRB 1299
650.005	Amended	HRB 1299	660.070	Repealed	HRB 1299
650.120	Amended	HB 1231	660.075	Amended	HB 1064
650.120	Repealed	HRB 1298	660.075	Amended	HRB 1299
650.120	Vetoed	SB 575	660.130	Amended	HRB 1299
650.120	Amended	SB 621	660.225	Repealed	HRB 1299
650.150	New	SB 491	660.250	Repealed	HRB 1299
650.153	New	SB 491	660.250	Repealed	SB 491
650.156	New	SB 491	660.255	Repealed	HRB 1299
650.159	New	SB 491	660.255	Repealed	SB 491
650.161	New	SB 491	660.260	Repealed	HRB 1299
650.165	New	SB 491	660.260	Amended	SB 491
650.350	Amended	SB 745	660.261	Repealed	HRB 1299
660.010	Amended	HRB 1299	660.261	Amended	SB 491
660.050	Repealed	HRB 1299	660.263	Repealed	HRB 1299
660.053	Repealed	HRB 1299	660.263	Repealed	SB 491
660.054	Repealed	HRB 1299	660.265	Repealed	HRB 1299
660.055	Repealed	HRB 1299	660.265	Amended	SB 491
660.057	Repealed	HRB 1299	660.270	Repealed	HRB 1299
660.058	Repealed	HRB 1299	660.270	Amended	SB 491
660.060	Amended	HRB 1299	660.275	Repealed	HRB 1299
660.062	Repealed	HRB 1299	660.275	Amended	SB 491

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
660.280	Repealed	HRB 1299	660.400	Repealed	HRB 1299
660.280	Repealed	SB 491	660.400	Amended	SB 567
660.285	Repealed	HRB 1299	660.403	Repealed	HRB 1299
660.285	Amended	SB 491	660.403	Amended	SB 567
660.290	Repealed	HRB 1299	660.404	New	SB 567
660.290	Repealed	SB 491	660.405	Amended	HB 1064
660.295	Repealed	HRB 1299	660.405	Repealed	HRB 1299
660.295	Repealed	SB 491	660.405	New	SB 567
660.300	Repealed	HRB 1299	660.405	Repealed	SB 567
660.300	Repealed	SB 491	660.406	Amended	SB 567
660.305	Repealed	HRB 1299	660.407	Repealed	HRB 1299
660.310	Repealed	HRB 1299	660.407	Amended	SB 567
660.310	Amended	SB 491	660.409	Repealed	HRB 1299
660.315	Repealed	HB 1371	660.409	Amended	SB 567
660.315	Repealed	HRB 1299	660.411	Repealed	HRB 1299
660.315	Repealed	SB 491	660.411	Amended	SB 567
660.317	Repealed	HRB 1299	660.414	Repealed	HRB 1299
660.317	Repealed	SB 491	660.414	Amended	SB 567
660.320	Repealed	HRB 1299	660.416	Repealed	HRB 1299
660.320	Repealed	SB 491	660.416	Amended	SB 567
660.321	Repealed	HRB 1299	660.417	New	SB 567
660.321	Repealed	SB 491	660.418	Repealed	HRB 1299
660.360	New	SB 491	660.418	Amended	SB 567

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
660.420	Repealed	HRB 1299	701.058	Repealed	HRB 1298
660.420	Amended	SB 567	701.320	Amended	SB 491
660.422	New	SB 567	701.336	Amended	HRB 1299
660.423	New	SB 567	701.502	Repealed	HRB 1298
660.424	New	SB 567	1	New	HB 1064
660.425	Repealed	HRB 1298	1	New	HB 1092
660.430	Repealed	HRB 1298	1	Vetoed	HB 1326
660.435	Repealed	HRB 1298	1	Vetoed	HB 1553
660.440	Repealed	HRB 1298	1	New	HB 1602
660.445	Repealed	HRB 1298	1	New	HB 1665
660.450	Repealed	HRB 1298	1	New	HB 1791
660.455	Repealed	HRB 1298	1	Vetoed	SB 493
660.460	Repealed	HRB 1298	1	Vetoed	SB 506
660.465	Repealed	HRB 1298	1	Vetoed	SB 615
660.523	Amended	HRB 1299	1	New	SB 701
660.525	Amended	HRB 1299	1	New	SB 716
660.526	Amended	HRB 1299	1	Overridden	SB 731
660.600	Repealed	HRB 1299	1	New	SB 754
660.603	Repealed	HRB 1299	2	New	HB 1791
660.605	Repealed	HRB 1299	2	New	SB 716
660.608	Repealed	HRB 1299	2	New	SB 754
660.620	Amended	HRB 1299	3	New	HB 1791
660.690	Amended	HRB 1299	4	New	HB 1791

TABLE OF SECTIONS AFFECTED
BY
2014 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
5	New	HB 1791	15	New	HB 1791
6	New	HB 1791	16	New	HB 1791
7	New	HB 1791	17	New	HB 1791
8	New	HB 1791	18	New	HB 1791
9	New	HB 1791	19	New	HB 1791
10	New	HB 1791	B	Vetoed	HB 1326
11	New	HB 1791	B	New	HB 2238
12	New	HB 1791	B	Vetoed	SB 615
13	New	HB 1791	B	New	SB 844
14	New	HB 1791			

LAWS PASSED

DURING THE

NINETY-SEVENTH

GENERAL ASSEMBLY,

FIRST EXTRAORDINARY SESSION

CONVENED MONDAY, DECEMBER 2, 2013.
ADJOURNED SINE DIE
FRIDAY, DECEMBER 6, 2013.

SB 1 [SCS SB 1]

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

Authorizes incentives for aerospace industry job creation under existing programs except with a separate incentives cap

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to aerospace industry job creation, with an emergency clause.

SECTION

- A. Enacting clause.
620.2475. Aerospace industry job creation.

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

SECTION A. ENACTING CLAUSE.—Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.2475, to read as follows:

620.2475. AEROSPACE INDUSTRY JOB CREATION. — 1. As used in this section, the following terms shall mean:

(1) "Aerospace project", a project undertaken by or for the benefit of a qualified company with a North American Industry Classification System industry classification of 3364 involving the creation of at least two thousand new jobs within ten years following the approval of a notice of intent pursuant to section 620.2020 and for which the department of economic development has provided a proposal for benefits under job creation, worker training, and infrastructure development programs on or before June 10, 2014;

(2) "Job creation, worker training, and infrastructure development programs", the Missouri works program established under sections 620.2000 to 620.2020, Missouri business use incentives for large-scale development act established under sections 100.700 to 100.850, the Missouri works training program established under sections 620.800 to 620.809, and the real property tax increment allocation redevelopment act established under sections 99.800 to 99.865.

2. Provisions of law to the contrary notwithstanding, no benefits authorized under job creation, worker training, and infrastructure development programs for an aerospace project shall be considered in determining compliance with applicable limitations on the aggregate amount of benefits that may be awarded annually or cumulatively under subdivision (3) of subsection 10 of section 99.845, subsection 5 of section 100.850, subsection 7 of section 620.809, and subsection 7 of section 620.2020. No aerospace project shall be authorized for state benefits under job creation, worker training, and infrastructure development programs that exceed, in the aggregate, one hundred and fifty million dollars annually under all such programs.

3. For any aerospace project receiving state benefits under this section, the department of economic development shall deliver to the general assembly an annual report providing detailed information on the state benefits received and projected to be received by the aerospace project and shall also denote the number of minorities that have been trained under the Missouri works training program established under sections 620.800 to 620.809.

4. Any aerospace project receiving benefits under this section shall annually report to the general assembly and the department of economic development their minority and women employment outreach efforts.

5. For aerospace projects receiving benefits under this section, in no event shall disbursements of new state revenues under sections 99.800 to 99.865 be made to satisfy bond obligations incurred for improvements that do not directly benefit such project.

6. For aerospace projects receiving benefits under this section, in the tenth year following the approval of a notice of intent under sections 620.2000 to 620.2020, the department of economic development shall determine the net fiscal benefit to the state resulting from such project and shall take any action necessary to ensure a positive net fiscal benefit to the state by no later than the last year in which the aerospace project receives benefits under this section.

Section B. Because immediate action is necessary for job creation in this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved December 9, 2013

LAWS PASSED

DURING THE

NINETY-SEVENTH

GENERAL ASSEMBLY,

SECOND REGULAR SESSION

CONVENED WEDNESDAY, JANUARY 8, 2014.
ADJOURNED SINE DIE
FRIDAY, MAY 30, 2014.

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HB 2001 [HCS HB 2001]

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

APPROPRIATIONS: BOARD OF FUND COMMISSIONERS

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds of these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

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

SECTION 1.010. — There is transferred out of the State Treasury, chargeable
to the General Revenue Fund, to the Fourth State Building Bond and
Interest Fund for currently outstanding general obligations
From General Revenue Fund. \$24,878,900

SECTION 1.015. — To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on fourth state
building bonds currently outstanding as provided by law
From Fourth State Building Bond and Interest Fund. \$24,215,650

SECTION 1.020. — There is transferred out of the State Treasury, chargeable
to the General Revenue Fund, to the Water Pollution Control Bond
and Interest Fund for currently outstanding general obligations
From General Revenue Fund. \$34,201,678

There is transferred out of the State Treasury, chargeable to the Water and
Wastewater Loan Revolving Fund pursuant to Title 33, Chapter 26,
Subchapter VI, Section 1383, U.S. Code, to the Water Pollution Control
Bond and Interest Fund for currently outstanding general obligations
From Water and Wastewater Loan Revolving Fund. 3,040,998
Total. \$37,242,676

SECTION 1.025.— To the Board of Fund Commissioners
 For payment of interest and sinking fund requirements on water pollution
 control bonds currently outstanding as provided by law
 From Water Pollution Control Bond and Interest Fund. \$39,677,320

SECTION 1.030.— There is transferred out of the State Treasury, chargeable
 to the General Revenue Fund, to the Stormwater Control Bond and
 Interest Fund for currently outstanding general obligations
 From General Revenue Fund. \$5,690,400

SECTION 1.035.— To the Board of Fund Commissioners
 For payment of interest and sinking fund requirements on stormwater control
 bonds currently outstanding as provided by law
 From Stormwater Control Bond and Interest Fund. \$6,229,750

Bill Totals
 General Revenue Fund. \$64,790,980
 Other Funds. 3,040,998
 Total. \$67,831,978

Approved June 24, 2014

HB 2002 [CCS SCS HCS HB 2002]

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

APPROPRIATIONS: STATE BOARD OF EDUCATION AND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Elementary and Secondary Education shall employ no more than 811.30 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

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

Personal Service.	\$1,816,591
Expense and Equipment.	<u>115,600</u>
From General Revenue Fund.	1,932,191

Personal Service.	1,899,527
Expense and Equipment.	<u>91,084</u>
From Federal Funds.	<u>2,590,611</u>
Total (Not to exceed 72.80 F.T.E.).	\$4,522,802

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

From Federal Funds.	\$70,000
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SECTION 2.015. — To the Department of Elementary and Secondary Education
For distributions to the free public schools of \$3,679,310,241 under the School
Foundation Program as provided in Chapter 163, RSMo, provided that no
funds are used to support the distribution or sharing of any individually
identifiable student data for non-educational purposes, marketing or
advertising, as follows:

For the Foundation Formula.	\$3,353,283,124
For Transportation	115,297,713
For Early Childhood Special Education	144,660,376
For Vocational Education	50,069,028
For Early Childhood Development	16,000,000
From Outstanding Schools Trust Fund.	835,818,636
From State School Moneys Fund.	<u>2,186,646,636</u>
From Lottery Proceeds Fund.	128,116,772
From Classroom Trust Fund.	353,112,706
From Early Childhood Development, Education and Care Fund.	12,412,900
From Surplus Revenue Fund.	163,202,591

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

For the Virtual Schools Program	
From Lottery Proceeds Fund	389,778

For distribution to a metropolitan school district for the purpose of paying the costs of intra-district student transportation, these funds are subject to a sixty percent (60%) local match from the metropolitan school district	
From General Revenue Fund.	750,000

For State Board of Education operated school programs, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	28,025,792
Expense and Equipment.	<u>12,884,395</u>
From General Revenue Fund.	40,910,187

Personal Service.	704,721
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Expense and Equipment	5,001,668
From Federal Funds	5,706,389

For State Board of Education operated school programs

Expense and Equipment	
From Bingo Proceeds for Education Fund.	1,876,355
Total (Not to exceed 718.90 F.T.E.)	\$3,743,942,950

***SECTION 2.016.**— To the Department of Elementary and Secondary Education
For an intensive reading instruction program for provisionally accredited or
unaccredited school districts, provided that no annual grant award under this
section shall exceed \$1,000,000
From General Revenue Fund. \$3,500,000

*I hereby veto \$2,500,000 general revenue for an intensive reading instruction program for provisionally accredited or unaccredited school districts. The remaining \$1,000,000 of funding will support a reading program grant for the Normandy School District.

From \$3,500,000 to \$1,000,000 from General Revenue Fund.
From \$3,500,000 to \$1,000,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 2.017.**— To the Department of Elementary and Secondary Education
For the Bright Futures Program
From General Revenue Fund. \$150,000

*I hereby veto \$150,000 general revenue for the Bright Futures Program.

Said section is vetoed in its entirety from \$150,000 to \$0 from General Revenue Fund.
From \$150,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 2.020.**— To the Department of Elementary and Secondary Education
For a program to recruit, train and/or develop teachers to teach in academically
struggling school districts
From General Revenue Fund. \$3,000,000

*I hereby veto \$1,000,000 general revenue for a program to recruit, train and/or develop teachers to teach in academically struggling school districts.

From \$3,000,000 to \$2,000,000 from General Revenue Fund.
From \$3,000,000 to \$2,000,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 2.021.**— To the Department of Elementary and Secondary Education
For a math and science tutoring program in St. Louis City
From General Revenue Fund. \$400,000

*I hereby veto \$400,000 general revenue for a math and science tutoring program in St. Louis City.

Said section is vetoed in its entirety from \$400,000 to \$0 from General Revenue Fund.
From \$400,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.022.— To the Department of Elementary and Secondary Education
 For distribution to the Department of Elementary and Secondary Education
 pursuant to Section 162.081, RSMo, to be distributed to the extent required
 to enable an unaccredited school district with a membership defined in
 Section 163.011, RSMo, of less than 5,000 students to budget for future
 building maintenance and repairs and to establish a three percent (3%)
 operating reserve for the 2014-15 School Year
 From Federal Funds. \$1

SECTION 2.025.— To the Department of Elementary and Secondary Education
 For the purpose of funding educational programs for students who reside in
 the Kansas City Public School District. Seventy percent (70%) of the
 funds will be used to support a research-based scientifically proven extended
 learning program
 From Lottery Proceeds Fund. \$100,000

***SECTION 2.030.**— To the Department of Elementary and Secondary Education
 For the purpose of funding the Missouri Scholars and Fine Arts Academies
 From State School Moneys Fund. \$750,000

*I hereby veto \$550,000 State School Moneys Fund for the purpose of funding the Missouri
Scholars and Fine Arts Academies.

From \$750,000 to \$200,000 from State School Moneys Fund.
From \$750,000 to \$200,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 2.035.**— To the Department of Elementary and Secondary Education
 For School Board Member Training
 From State School Moneys Fund. \$156,326

For Regional Professional Development Centers
 From General Revenue Fund. 1,000,000

For grants to establish safe schools programs addressing active shooter response
 training, school safety coordinators, school bus safety, crisis management,
 and other similar school safety measures. Grants to be distributed by a
 statewide education organization whose directors consists entirely of public
 school board members
 From General Revenue Fund. 750,000
 Total. \$1,906,326

*I hereby veto \$770,000, including \$20,000 State School Moneys Fund for school board
member training and \$750,000 general revenue for grants to establish safe schools programs.

For School Board Member Training.

From \$156,326 to \$136,326 in total from State School Moneys Fund.

For grants to establish safe schools programs.
From \$750,000 to \$0 from General Revenue Fund.
From \$1,906,326 to \$1,136,326 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.040. — To the Department of Elementary and Secondary Education
For Early Grade Literacy Programs offered at Southeast Missouri State University
From General Revenue Fund. \$100,000
From Federal Funds. 1
Total. \$100,001

SECTION 2.045. — To the Department of Elementary and Secondary Education
For the School Nutrition Services Program to reimburse schools for school food
programs
From General Revenue Fund. \$3,412,151
From Federal Funds. 293,925,900
Total. \$297,338,051

SECTION 2.050. — To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state,
pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School
District Trust Fund
From School District Trust Fund. \$827,500,000

SECTION 2.055. — To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bond Fund. \$492,000

SECTION 2.060. — To the Department of Elementary and Secondary Education
For the purpose of receiving and expending grants, donations, contracts, and
payments from private, federal, and other governmental agencies which
may become available between sessions of the General Assembly provided
that the General Assembly shall be notified of the source of any new funds
and the purpose for which they shall be expended, in writing, prior to the
use of said funds and further provided that no funds shall be used to
implement or support the Common Core Standards
Personal Service. \$3,500
Expense and Equipment. 9,996,500
From Federal Funds. \$10,000,000

SECTION 2.065. — To the Department of Elementary and Secondary Education
For the purpose of compensating eligible public school districts making a
payment under the provision of Section 160.459, RSMo
From Rebuild Missouri Schools Fund. \$3,235,000

SECTION 2.070. — To the Department of Elementary and Secondary Education
For the Division of Learning Services, provided that no funds are used
to support the collection, distribution, or sharing of any individually
identifiable student data with the federal government; with the exception
of the reporting requirements of the Migrant Education Program funds in

Section 2.105, the Vocational Rehabilitation funds in Section 2.160, and the Disability Determination funds in Section 2.165	
Personal Service.	\$3,370,999
Expense and Equipment.	228,869
From General Revenue Fund.	<u>3,599,868</u>
Personal Service.	6,520,856
Expense and Equipment.	3,679,393
From Federal Funds	<u>10,200,249</u>
Personal Service.	623,913
Expense and Equipment	2,308,067
From Excellence in Education Fund.	<u>2,931,980</u>
Personal Service	
From Early Childhood Development, Education and Care Fund.	60,564
For the Office of Adult Learning and Rehabilitative Services	
Personal Service.	27,776,137
Expense and Equipment.	2,715,474
From Federal Funds.	<u>30,491,611</u>
Total (Not to exceed 885.06 F.T.E.).	<u>\$47,284,272</u>
SECTION 2.075. — To the Department of Elementary and Secondary Education	
For reimbursements to school districts for the Early Childhood Program, Hard-to-Reach Incentives, and Parent Education in conjunction with the Early Childhood Education and Screening Program	
From General Revenue Fund.	\$73,200
From Federal Funds	824,000
From State School Moneys Fund.	125,000
For grants to higher education institutions or area vocational technical schools for the Child Development Associate Certificate Program in collaboration with the Coordinating Board for Higher Education	
From Federal Funds	399,500
For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that no annual grant award under the Missouri Preschool Program exceed \$250,000	
From Early Childhood Development, Education and Care Fund.	11,694,141
For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment in provisionally accredited or unaccredited school districts	
From General Revenue Fund.	4,063,959
Total.	<u>\$17,179,800</u>
SECTION 2.080. — To the Department of Elementary and Secondary Education	
For the School Age Afterschool Program	
From Federal Funds.	\$21,908,383
From After-School Retreat Reading and Assessment Grant Program Fund.	20,000
Total.	<u>\$21,928,383</u>

SECTION 2.085.— To the Department of Elementary and Secondary Education For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.105, the Vocational Rehabilitation funds in Section 2.160, and the Disability Determination funds in Section 2.165

From General Revenue Fund.	\$13,586,088
From Federal Funds	8,800,000
From Outstanding Schools Trust Fund.	128,125
From Lottery Proceeds Fund.	<u>4,311,255</u>
Total.	\$26,825,468

SECTION 2.095.— To the Department of Elementary and Secondary Education For distributions to providers of vocational education programs

From Federal Funds.	\$23,500,000
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SECTION 2.100.— To the Department of Elementary and Secondary Education For the Missouri History Teachers Program

From Federal Funds.	\$543
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SECTION 2.105.— To the Department of Elementary and Secondary Education For improving basic programs operated by local education agencies under Title I of the No Child Left Behind Act

From Federal Funds.	\$250,000,000
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SECTION 2.110.— To the Department of Elementary and Secondary Education For innovative educational program strategies under Title V of the No Child Left Behind Act

From Federal Funds.	\$1,500,000
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SECTION 2.115.— To the Department of Elementary and Secondary Education For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted

From State School Moneys Fund.	\$9,027
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***SECTION 2.120.**— To the Department of Elementary and Secondary Education For courses, exams, and other expenses that lead to high school students receiving college credit and Advanced Placement examination fees for low-income families and for science and mathematics exams

From General Revenue Fund.	\$100,000
From Federal Funds.	<u>315,875</u>
Total.	\$415,875

*I hereby veto \$100,000 general revenue for Advanced Placement examination fees.

From \$100,000 to \$0 from General Revenue Fund.

From \$415,875 to \$315,875 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.130.— To the Department of Elementary and Secondary Education
For the Instructional Improvement Grants Program pursuant to Title II
Improving Teacher Quality
From Federal Funds. \$52,000,000

SECTION 2.135.— To the Department of Elementary and Secondary Education
For the Missouri Charter Public School Commission
Personal Service. \$78,786
Expense and Equipment. 217,915
From General Revenue Fund. 296,701

For the Public Charter Schools Program
From Federal Funds. 2,432,000
Total (Not to exceed 2.00 F.T.E.). \$2,728,701

SECTION 2.140.— To the Department of Elementary and Secondary Education
For grants to rural and low-income schools
From Federal Funds. \$3,500,000

SECTION 2.145.— To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the No Child Left Behind Act
From Federal Funds. \$5,200,000

SECTION 2.150.— To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program
From Federal Funds. \$300,000

SECTION 2.155.— To the Department of Elementary and Secondary Education
For character education initiatives
From General Revenue Fund. \$10,000

***SECTION 2.156.**— To the Department of Elementary and Secondary Education
For the Missouri Leadership for Excellence, Achievement and Development
(MoLEAD) project
From General Revenue Fund. \$500,000

*I hereby veto \$500,000 general revenue for the Missouri Leadership for Excellence,
Achievement and Development (MoLEAD) project.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 2.160.— To the Department of Elementary and Secondary Education
For the Vocational Rehabilitation Program
From General Revenue Fund. \$13,589,689
From Federal Funds 42,660,946
From Payments by the Department of Mental Health 1,000,000
From Lottery Proceeds Fund. 1,400,000
Total. \$58,650,635

SECTION 2.165.— To the Department of Elementary and Secondary Education
For the Disability Determination Program
From Federal Funds. \$21,000,000

***SECTION 2.170.**— To the Department of Elementary and Secondary Education
For Independent Living Centers
From General Revenue Fund. \$2,961,486
From Federal Funds 1,292,546
From Independent Living Center Fund. 390,556
Total. \$4,644,588

*I hereby veto \$455,000 general revenue for Independent Living Centers.

From \$2,961,486 to \$2,506,486 from General Revenue Fund.
From \$4,644,588 to \$4,189,588 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.175.— To the Department of Elementary and Secondary Education
For distributions to educational institutions for the Adult Basic Education
Program
From General Revenue Fund. \$4,500,388
From Federal Funds 9,999,155
From Outstanding Schools Trust Fund. 824,480
Total. \$15,324,023

SECTION 2.180.— To the Department of Elementary and Secondary Education
For the Troops to Teachers Program
From Federal Funds. \$153,610

SECTION 2.185.— To the Department of Elementary and Secondary Education
For the Special Education Program
From Federal Funds. \$274,873,391

SECTION 2.190.— To the Department of Elementary and Secondary Education
For special education excess costs
From General Revenue Fund. \$26,965,141
From Lottery Proceeds Fund. 19,590,000
Total. \$46,555,141

SECTION 2.195.— To the Department of Elementary and Secondary Education
For the First Steps Program
From General Revenue Fund. \$28,740,309
From Federal Funds 10,993,757
From Early Childhood Development, Education and Care Fund. 578,644
From Part C Early Intervention Fund. 13,000,000
Total. \$53,312,710

SECTION 2.200.— To the Department of Elementary and Secondary Education
For payments to school districts for children in residential placements through
the Department of Mental Health or the Department of Social Services
pursuant to Section 167.126, RSMo

From General Revenue Fund.....	\$3,330,731
From Lottery Proceeds Fund.....	7,768,606
Total.....	<u>\$11,099,337</u>

***SECTION 2.205.**— To the Department of Elementary and Secondary Education
For the Sheltered Workshops Program

Provided that no later than February 1st the Department of Elementary and Secondary Education shall submit a report to the House Budget Committee Chairperson and the Senate Appropriations Committee Chairperson stating the funding level required to fully fund the payment requirements in Section 178.930 RSMo. The report shall also include the Department's plan to ensure that the payments to the workshops in accordance with Section 178.930 are provided without interruption

From General Revenue Fund.....	\$25,283,457
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*I hereby veto \$500,000 general revenue for the Sheltered Workshops Program.

From \$25,283,457 to \$24,783,457 from General Revenue Fund.

From \$25,283,457 to \$24,783,457 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.210.— To the Department of Elementary and Secondary Education
For payments to readers for blind or visually-disabled students in elementary and secondary schools

From State School Moneys Fund.....	\$25,000
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SECTION 2.215.— To the Department of Elementary and Secondary Education
For a task force on blind student academic and vocational performance

From General Revenue Fund.....	\$231,953
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SECTION 2.220.— To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf

From School for the Deaf Trust Fund.....	\$49,500
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SECTION 2.225.— To the Department of Elementary and Secondary Education
For the Missouri School for the Blind

From School for the Blind Trust Fund.....	\$1,500,000
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SECTION 2.230.— To the Department of Elementary and Secondary Education
For the Missouri Special Olympics Program

From General Revenue Fund.....	\$100,000
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SECTION 2.235.— To the Department of Elementary and Secondary Education
For the Missouri Schools for the Severely Disabled

From Handicapped Children's Trust Fund.....	\$200,000
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***SECTION 2.240.**— To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing

Personal Service.....	\$305,156
Expense and Equipment.....	83,191
From General Revenue Fund.....	<u>388,347</u>

Personal Service.....	33,762
Expense and Equipment ..	119,000
From Missouri Commission for the Deaf and Hard of Hearing Fund	<u>152,762</u>

Expense and Equipment	
From Missouri Commission for the Deaf and Hard of Hearing Board	
of Certification of Interpreters Fund.	103,739
Total (Not to exceed 7.00 F.T.E.)	<u>\$644,848</u>

*I hereby veto \$104,000 general revenue for the Missouri Commission for the Deaf and Hard of Hearing.

Personal Service by \$84,000 from \$305,156 to \$221,156 General Revenue Fund.
Expense and Equipment by \$20,000 from \$83,191 to \$63,191 General Revenue Fund.
From \$388,347 to \$284,347 in total from General Revenue Fund.
From \$644,848 to \$540,848 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.245. — To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council

Personal Service.....	\$232,418
Expense and Equipment ..	570,138
From Federal Funds	<u>802,556</u>

Personal Service.....	223,568
Expense and Equipment ..	1,639,703
From Deaf Relay Service and Equipment Distribution Program Fund.	<u>1,863,271</u>

Personal Service.....	51,151
Expense and Equipment ..	575,000
From Assistive Technology Loan Revolving Fund.	<u>626,151</u>

Expense and Equipment	
From Assistive Technology Trust Fund.	850,000
From Debt Offset Escrow Fund.	1,000
Total (Not to exceed 10.00 F.T.E.)	<u>\$4,142,978</u>

SECTION 2.250. — To the Department of Elementary and Secondary Education
For the Children's Services Commission

From Missouri Children's Services Commission Fund.	\$8,000
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***SECTION 2.255.** — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the State School Moneys Fund

From General Revenue Fund.	\$2,036,379,563
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*I hereby veto \$570,000 general revenue for transfer to the State School Moneys Fund.

From \$2,036,379,563 to \$2,035,809,563 in total from General Revenue Fund.
From \$2,036,379,563 to \$2,035,809,563 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 2.260.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund
 From General Revenue Fund. \$90,200,000

SECTION 2.265.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the Fair Share Fund, to the State School Moneys Fund
 From Fair Share Fund. \$19,773,000

SECTION 2.270.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Outstanding Schools Trust Fund
 From General Revenue Fund. \$836,600,000

SECTION 2.275.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the Gaming Proceeds for Education Fund, to the Classroom Trust Fund
 From Gaming Proceeds for Education Fund. \$340,006,728

SECTION 2.280.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the Lottery Proceeds Fund, to the Classroom Trust Fund
 From Lottery Proceeds Fund. \$13,105,978

SECTION 2.285.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the Gaming Proceeds for Education Fund, to the School District Bond Fund
 From Gaming Proceeds for Education Fund. \$392,000

SECTION 2.290.— To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the School Building Revolving Fund, to the State School Moneys Fund
 From School Building Revolving Fund. \$1,500,000

Bill Totals
 General Revenue Fund. \$3,147,405,409
 Federal Funds. 1,086,371,024
 Other Funds. 1,630,605,938
 Total. \$5,864,382,371

Approved June 24, 2014

HB 2003 [CCS SCS HCS HB 2003]

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

APPROPRIATIONS: DEPARTMENT OF HIGHER EDUCATION

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds shall be expended at public institutions of higher education that knowingly offer a tuition rate to an unlawfully present covered student pursuant to 173.1110, RSMo, that is less than the tuition rate charged to citizens or nationals of the United States whose residence is not in Missouri, and further provided that the Department of Higher Education shall employ no more than 14.88 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

*SECTION 3.005. — To the Department of Higher Education	
For Higher Education Coordination and for grant and scholarship program	
administration, provided that not more than five percent (5%) flexibility	
is allowed between personal service and expense and equipment	
Personal Service	\$530,284
Expense and Equipment	179,128
From General Revenue Fund	709,412
Personal Service	237,920
Expense and Equipment	45,354
From Guaranty Agency Operating Fund	283,274
Personal Service	37,672
Expense and Equipment	16,850
From Department of Higher Education Out-of-State Program Fund	54,522
For workshops and conferences sponsored by the Department of Higher	
Education, and for distribution of federal funds to higher education	
institutions, to be paid for on a cost-recovery basis	
From Quality Improvement Revolving Fund	166,869
Total (Not to exceed 21.61 F.T.E.)	\$1,214,077

*I hereby veto \$55,000 general revenue for Higher Education Coordination and for grant and scholarship program administration.

Personal Service by \$50,000 from \$530,284 to \$480,284 General Revenue Fund.
 Expense and Equipment by \$5,000 from \$179,128 to \$174,128 General Revenue Fund.
 From \$709,412 to \$654,412 in total from General Revenue Fund.
 From \$1,214,077 to \$1,159,077 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.010. — To the Department of Higher Education
 For regulation of proprietary schools as provided in Section 173.600, RSMo
 Personal Service. \$190,760
 Expense and Equipment. 112,148
 From Proprietary School Certification Fund (Not to exceed 5.00 F.T.E.). \$302,908

SECTION 3.015. — To the Department of Higher Education
 For indemnifying individuals as a result of improper actions on the part of
 proprietary schools as provided in Section 173.612, RSMo
 From Proprietary School Bond Fund. \$200,000

SECTION 3.020. — To the Department of Higher Education
 For annual membership in the Midwestern Higher Education Compact
 From General Revenue Fund. \$95,000

SECTION 3.025. — To the Department of Higher Education
 For the Eisenhower Science and Mathematics Program and the Improving
 Teacher Quality State Grants Program
 Personal Service. \$37,841
 Expense and Equipment 6,000
 Federal Education Programs. 1,739,954
 From Federal Funds (Not to exceed 1.50 F.T.E.). \$1,783,795

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

SECTION 3.035. — To the Department of Higher Education
 For receiving and expending Lumina Foundation Grants, provided that not
 more than twenty five percent (25%) flexibility is allowed between
 personal service and expense and equipment
 Personal Service. \$8,835
 Expense and Equipment. 91,165
 From Institution Gift Trust Fund 100,000

For receiving and expending Gates Foundation grant funds, college and
 career readiness partnership grant funds, and returning National
 Governor's Association grant funds, provided that not more than
 twenty five percent (25%) flexibility is allowed between personal
 service and expense and equipment
 Personal Service. 20,000

Expense and Equipment	98,109
From Institution Gift Trust Fund	<u>118,109</u>
Total (Not to exceed 1.00 F.T.E.)	\$218,109

SECTION 3.040.— To the Department of Higher Education
For receiving and expending federal College Access Challenge Grants
From Federal Funds. \$3,000,000

SECTION 3.045.— To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds
listed below, to the Academic Scholarship Fund
From General Revenue Fund. \$19,676,666
From Institution Gift Trust Fund. 2,000,000
Total. \$21,676,666

SECTION 3.050.— To the Department of Higher Education
For the Higher Education Academic Scholarship Program pursuant to
Chapter 173, RSMo, provided that funds are expended solely at
institutions headquartered in Missouri for purposes of accreditation
From Academic Scholarship Fund. \$15,676,666

For the Higher Education Academic Scholarship loan forgiveness program,
provided that statutory authorization for the loan forgiveness program
exists. If statutory authorization for the loan forgiveness program does
not exist these funds shall be used for the existing Academic Scholarship
Program, also provided that funds are expended solely at institutions
headquartered in Missouri for purposes of accreditation
From Academic Scholarship Fund. 7,000,000
Total. \$22,676,666

SECTION 3.055.— To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds
listed below, to the Access Missouri Financial Assistance Fund
From General Revenue Fund. \$56,665,640
From Lottery Proceeds Fund 11,916,667
From Missouri Student Grant Program Gift Fund. 50,000
From Advantage Missouri Trust Fund. 50,000
Total. \$68,682,307

SECTION 3.060.— To the Department of Higher Education
For the Access Missouri Financial Assistance Program pursuant to
Chapter 173, RSMo, provided that funds are expended solely at
institutions headquartered in Missouri for purposes of accreditation
From Access Missouri Financial Assistance Fund. \$78,500,000

SECTION 3.065.— To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds
listed below, to the A+ Schools Fund
From General Revenue Fund. \$11,453,878
From Lottery Proceeds Fund. 21,659,448
Total. \$33,113,326

SECTION 3.070.— To the Department of Higher Education
For the A+ Schools Program
From A+ Schools Fund. \$35,000,000

SECTION 3.075.— To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the General
Revenue Fund, to the Marguerite Ross Barnett Scholarship Fund
From General Revenue Fund. \$363,375

SECTION 3.080.— To the Department of Higher Education
For Advanced Placement grants for Access Missouri Financial Assistance
Program and A+ Schools Program recipients, the Public Service Officer
or Employee Survivor Grant Program pursuant to Section 173.260, RSMo,
the Vietnam Veterans Survivors Scholarship Program pursuant to Section
173.236, RSMo, the Veteran's Survivors Grant Program pursuant to Section
173.234, RSMo, minority teaching student scholarships pursuant to Section
161.415, RSMo, and the Marguerite Ross Barnett Scholarship Program
pursuant to Section 173.262, RSMo, provided that the Advanced Placement
grants for Access Missouri Financial Assistance Program and A+ Schools
Program recipients, the Public Service Officer or Employee Survivor Grant
Program pursuant to Section 173.260, RSMo, the Vietnam Veterans
Survivors Scholarship Program pursuant to Section 173.236, RSMo, the
Veteran's Survivors Grant Program pursuant to Section 173.234, RSMo,
and minority teaching student scholarships pursuant to Section 161.415,
RSMo are funded at a level sufficient to make awards to all eligible
students and that sufficient resources are reserved for students who may
become eligible during the school year
From AP Incentive Grant Fund. \$100,000
From General Revenue Fund. 431,250
From Lottery Proceeds Fund 169,000

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

SECTION 3.085.— To the Department of Higher Education
For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo
From Kids' Chance Scholarship Fund. \$15,000

SECTION 3.090.— To the Department of Higher Education
For the Minority and Underrepresented Environmental Literacy Program
pursuant to Section 640.240, RSMo
From General Revenue Fund. \$32,964

SECTION 3.095.— To the Department of Higher Education
For the Advantage Missouri Program pursuant to Chapter 173, RSMo
From Advantage Missouri Trust Fund. \$15,000

SECTION 3.100.— To the Department of Higher Education
For the Missouri Guaranteed Student Loan Program, provided that not more
than twenty-five percent (25%) flexibility is allowed between personal

service and expense and equipment	
Personal Service	\$2,260,118
Expense and Equipment	8,325,693
For default prevention activities.	890,000
For payment of fees for collection of defaulted loans.	8,000,000

For payment of penalties to the federal government associated with late deposit of default collections.	500,000
From Guaranty Agency Operating Fund (Not to exceed 52.09 F.T.E.).	<u>\$19,975,811</u>

SECTION 3.105.— To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the Federal Student Loan Reserve Fund, to the Guaranty Agency Operating Fund
From Federal Student Loan Reserve Fund. \$20,000,000

SECTION 3.110.— To the Department of Higher Education
For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund
From Federal Student Loan Reserve Fund. \$180,000,000

SECTION 3.115.— To the Department of Higher Education
For payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. \$750,000

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

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

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

SECTION 3.135.— To the University of Missouri
For the purpose of increasing the medical student class size at the University of Missouri in Columbia and to create a Springfield clinic campus in a public-private partnership with two (2) hospitals
From General Revenue Fund. \$10,000,000

***SECTION 3.137.**— To the Department of Higher Education
For the purpose of funding a community development and outreach program for southeast Missouri to be administered by Three Rivers Community College

From General Revenue Fund. \$150,000

*I hereby veto \$150,000 general revenue for the purpose of funding a community development and outreach program for southeast Missouri to be administered by Three Rivers Community College.

Said section is vetoed in its entirety from \$150,000 to \$0 from General Revenue Fund.
From \$150,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.160.— To State Technical College of Missouri, the University of Central Missouri, Southeast Missouri State University, Missouri State University, Lincoln University, Truman State University, Northwest Missouri State University, Missouri Southern State University, Missouri Western State University, Harris-Stowe State University, the University of Missouri, and the Department of Higher Education for distribution to the community colleges

For funding based on improved outcomes, with the funding amount for each two- and four-year public higher education institution based on improvement on specified performance measures

From General Revenue Fund. \$43,396,533

***SECTION 3.200.**— To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo

From General Revenue Fund. \$118,434,785

From Lottery Proceeds Fund. 10,489,991

For distribution to community colleges for the purpose of equity adjustments

From General Revenue Fund. 6,000,000

For maintenance and repair at community colleges, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds

From General Revenue Fund. 4,396,718

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

From Debt Offset Escrow Fund. 2,556,000

Total. \$141,877,494

*I hereby veto \$6,000,000 general revenue for distribution to community colleges for the purpose of equity adjustments.

From \$6,000,000 to \$0 from General Revenue Fund.
From \$141,877,494 to \$135,877,494 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.205.— To State Technical College of Missouri

All Expenditures

From General Revenue Fund. \$4,179,321

From Lottery Proceeds Fund	536,217
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund.	30,000
Total.	<u>\$4,745,538</u>

***SECTION 3.210.**— To the University of Central Missouri

All Expenditures

From General Revenue Fund.	\$47,890,520
From Lottery Proceeds Fund	6,050,959

For the Missouri Science, Technology, Engineering and Mathematics initiative pursuant to Chapter 173, RSMo to develop a program to enable high school students to earn industry recognized information technology skills certification that can articulate toward post-secondary credit

From General Revenue Fund.	101,880
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For the payment of refunds set off against debt as required by Section
143.786, RSMo

From Debt Offset Escrow Fund.	200,000
Total.	<u>\$54,243,359</u>

*I hereby veto \$101,880 general revenue for the University of Central Missouri for the Missouri Science, Technology, Engineering and Mathematics initiative pursuant to Chapter 173.

From \$101,880 to \$0 from General Revenue Fund.

From \$54,243,359 to \$54,141,479 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.215.— To Southeast Missouri State University

All Expenditures

From General Revenue Fund.	\$39,415,866
From Lottery Proceeds Fund	4,935,757

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

From Debt Offset Escrow Fund.	200,000
Total.	<u>\$44,551,623</u>

SECTION 3.220.— To Missouri State University

All Expenditures

From General Revenue Fund.	\$71,369,544
From Lottery Proceeds Fund	9,670,119

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

From Debt Offset Escrow Fund.	300,000
Total.	<u>\$81,339,663</u>

SECTION 3.225.— To Lincoln University

All Expenditures

From General Revenue Fund \$15,824,150
 From Lottery Proceeds Fund 1,814,072

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

From General Revenue Fund 500,000

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

From Debt Offset Escrow Fund 200,000

Total \$18,338,222

SECTION 3.230.— To Truman State University

All Expenditures

From General Revenue Fund \$35,936,829

From Lottery Proceeds Fund 4,576,165

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

From Debt Offset Escrow Fund 200,000

Total \$40,712,994

***SECTION 3.235.**— To Northwest Missouri State University

All Expenditures

From General Revenue Fund \$26,939,772

From Lottery Proceeds Fund 3,342,740

For one-time equipment replacement to support the recycling program

From General Revenue Fund 175,000

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

From Debt Offset Escrow Fund 200,000

Total \$30,657,512

*I hereby veto \$175,000 general revenue for Northwest Missouri State University for one-time
 equipment replacement to support the recycling program.

From \$175,000 to \$0 from General Revenue Fund.

From \$30,657,512 to \$30,482,512 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.240.— To Missouri Southern State University

All Expenditures

From General Revenue Fund \$20,795,540

From Lottery Proceeds Fund 2,431,511

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

From Debt Offset Escrow Fund 200,000

Total \$23,427,051

SECTION 3.245.— To Missouri Western State University

All Expenditures
 From General Revenue Fund. \$19,191,925
 From Lottery Proceeds Fund. 2,394,327

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

From Debt Offset Escrow Fund. 200,000
 Total. \$21,786,252

SECTION 3.250.— To Harris-Stowe State University

All Expenditures
 From General Revenue Fund. \$8,644,778
 From Lottery Proceeds Fund. 1,148,979

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

From Debt Offset Escrow Fund. 200,000
 Total. \$9,993,757

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

For operation of its various campuses and programs

All Expenditures
 From General Revenue Fund. \$360,669,248
 From Lottery Proceeds Fund. 46,842,748

For equity adjustment at the St. Louis Campus

From General Revenue Fund. 1,400,000

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

From Debt Offset Escrow Fund. 200,000
 Total. \$409,111,996

*I hereby veto \$1,400,000 general revenue for the University of Missouri for equity adjustment at the St. Louis Campus.

From \$1,400,000 to \$0 from General Revenue Fund.
 From \$409,111,996 to \$407,711,996 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 3.260.**— To the University of Missouri

For the Missouri Telehealth Network

From Healthy Families Trust Fund. \$437,640

For the purpose of creating and implementing four (4) Extension for
 Community Healthcare Outcomes Programs focused on Diabetes,
 Health Literacy, Hepatitis, and Pain Management

From General Revenue Fund. 1,500,000
 Total. \$1,937,640

*I hereby veto \$1,500,000 general revenue for the Missouri Telehealth Network for the purpose of creating and implementing four (4) Extension for Community Healthcare Outcomes Programs.

From \$1,500,000 to \$0 from General Revenue Fund.
From \$1,937,640 to \$437,640 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

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

*I hereby veto \$300,000 general revenue for a program designed to increase international collaboration and economic opportunity located at the University of Missouri-St. Louis.

Said section is vetoed in its entirety from \$300,000 to \$0 from General Revenue Fund.
From \$300,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 3.265.**— To the University of Missouri
For the Missouri Rehabilitation Center
All Expenditures
From General Revenue Fund. \$10,337,870

*I hereby veto \$5,168,935 general revenue for the Missouri Rehabilitation Center.

From \$10,337,870 to \$5,168,935 from General Revenue Fund.
From \$10,337,870 to \$5,168,935 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 3.266.**— To the University of Missouri
For the Centers for Neighborhood Initiative located at the University of Missouri-Kansas City
From General Revenue Fund. \$500,000

*I hereby veto \$500,000 general revenue for the Centers for Neighborhood Initiative located at the University of Missouri-Kansas City.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 3.267.**— To the University of Missouri
For the Missouri Research and Education Network (MOREnet)
For one-time investments to expand broadband capacity to schools
From General Revenue Fund. \$3,000,000

*I hereby veto \$3,000,000 general revenue for the Missouri Research and Education Network (MOREnet) for one-time investments to expand broadband capacity to schools.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from General Revenue Fund.
From \$3,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.270.— To the University of Missouri
For a program of research into spinal cord injuries
All Expenditures
From Spinal Cord Injury Fund. \$1,500,000

SECTION 3.275.— To the University of Missouri
For the treatment of renal disease in a statewide program
All Expenditures
From General Revenue Fund. \$1,750,000

***SECTION 3.280.**— To the University of Missouri
For the Missouri Federal and State Technology Partnership Program
All Expenditures
From General Revenue Fund. \$340,000

*I hereby veto \$340,000 general revenue for the Missouri Federal and State Technology Partnership Program.

Said section is vetoed in its entirety from \$340,000 to \$0 from General Revenue Fund.
From \$340,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 3.285.**— To the University of Missouri
For the State Historical Society
All Expenditures
From General Revenue Fund. \$2,210,855

*I hereby veto \$483,250 general revenue for the State Historical Society.

From \$2,210,855 to \$1,727,605 from General Revenue Fund.
From \$2,210,855 to \$1,727,605 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 3.290.— To the Board of Curators of the University of Missouri
For investment in registered federal, state, county, municipal, or school district
bonds as provided by law
From State Seminary Fund. \$4,000,000

SECTION 3.295.— To the Board of Curators of the University of Missouri
For use by the University of Missouri pursuant to Sections 172.610 through
172.720, RSMo
From State Seminary Moneys Fund. \$275,000

Bill Totals

General Revenue Fund.....	\$948,104,319
Federal Funds.....	5,783,795
Other Funds.....	337,425,964
Total.....	<u>\$1,291,314,078</u>

Approved June 24, 2014

HB 2004 [CCS SCS HCS HB 2004]

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

APPROPRIATIONS: DEPARTMENT OF REVENUE, DEPARTMENT OF TRANSPORTATION

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Revenue shall employ no more than 939.04 full-time equivalent employees (FTE) from the General Revenue Fund, and further provided that no funds shall be used to pay the costs of conferences or meetings held by AAMVA, travel to attend such conferences or meetings, participation with boards, committees, or administration of AAMVA, or for the collection or retention of individual data by AAMVA that violates any state law.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015, as follows:

SECTION 4.005. — To the Department of Revenue

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

Personal Service.....	\$7,324,920
Expense and Equipment.....	3,290,483
From General Revenue Fund.....	<u>10,615,403</u>
Personal Service.....	7,018,265
Expense and Equipment.....	6,596,623
From State Highways and Transportation Department Fund.....	<u>13,614,888</u>
Total (Not to exceed 445.79 F.T.E.).....	<u>\$24,230,291</u>

***SECTION 4.010.**—To the Department of Revenue

For the Division of Taxation, provided that not more than ten percent

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

Personal Service.	\$20,316,188
Expense and Equipment.	<u>2,311,242</u>
From General Revenue Fund.	22,627,430

Personal Service.	27,684
Expense and Equipment	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund	28,755

Personal Service.	33,837
Expense and Equipment	<u>2,818</u>
From Petroleum Inspection Fund	36,655

Personal Service.	51,555
Expense and Equipment	<u>4,163</u>
From Health Initiatives Fund	55,718

Personal Service.	563,041
Expense and Equipment	<u>8,277</u>
From Conservation Commission Fund.	571,318

For the integrated tax system

Expense and Equipment

From General Revenue Fund.	13,000,000
Total (Not to exceed 603.30 F.T.E.).	<u>\$36,319,876</u>

*I hereby veto \$1,547,708 from general revenue for the Division of Taxation for closing seven tax assistance offices.

Personal Service by \$1,491,132 from \$20,316,188 to \$18,825,056 General Revenue Fund.
Expense and Equipment by \$56,576 from \$2,311,242 to \$2,254,666 General Revenue Fund.
From \$22,627,430 to \$21,079,722 in total from General Revenue Fund.
From \$36,319,876 to \$34,772,168 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR**SECTION 4.015.**—To the Department of Revenue

For the Division of Motor Vehicle and Driver Licensing, provided that not

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

Personal Service.	\$366,873
Expense and Equipment.	<u>280,232</u>
From General Revenue Fund.	647,105

Personal Service.	2,679
Expense and Equipment	<u>160,776</u>
From Federal Funds	163,455

Personal Service.	193,808
Expense and Equipment	<u>245,840</u>
From Motor Vehicle Commission Fund	439,648

Personal Service.	6,760
Expense and Equipment	<u>9,953</u>
From Department of Revenue Specialty Plate Fund.	16,713
Total (Not to exceed 32.05 F.T.E.)	<u>\$1,266,921</u>

SECTION 4.020.— To the Department of Revenue

For the Division of Legal Services, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

Personal Service.	\$1,419,447
Expense and Equipment.	<u>154,334</u>
From General Revenue Fund.	1,573,781

Personal Service.	207,365
Expense and Equipment	<u>211,154</u>
From Federal Funds	418,519

Personal Service.	450,265
Expense and Equipment	<u>28,118</u>
From Motor Vehicle Commission Fund	478,383

Personal Service.	41,228
Expense and Equipment	<u>3,323</u>
From Tobacco Control Special Fund.	44,551
Total (Not to exceed 54.75 F.T.E.)	<u>\$2,515,234</u>

SECTION 4.025.— To the Department of Revenue

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

Personal Service.	\$1,115,085
Annual salary adjustment in accordance with Section 105.005, RSMo	802
Expense and Equipment	<u>211,326</u>
From General Revenue Fund.	1,327,213

Personal Service.	52,885
Expense and Equipment	<u>3,470,006</u>
From Federal Funds	3,522,891

Personal Service.	25,415
Expense and Equipment	<u>2,089,841</u>
From Child Support Enforcement Fund.	2,115,256

For postage	
Expense and Equipment	
From General Revenue Fund.	4,192,511

From Health Initiatives Fund	5,373
From Motor Vehicle Commission Fund	44,029
From Conservation Commission Fund	1,343
Total (Not to exceed 38.66 F.T.E.)	<u>\$11,208,616</u>

***SECTION 4.030.**— To the Department of Revenue

For the State Tax Commission, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$2,334,060
Annual salary adjustment in accordance with Section 105.005, RSMo.	2,202
Expense and Equipment	<u>196,474</u>
From General Revenue Fund	2,532,736

For the Productive Capability of Agricultural and Horticultural Land Use Study

Expense and Equipment	
From General Revenue Fund	<u>3,798</u>
Total (Not to exceed 48.00 F.T.E.)	<u>\$2,536,534</u>

*I hereby veto \$376,537 from general revenue for the State Tax Commission.

Personal Service by \$347,040 from \$2,334,060 to \$1,987,020 General Revenue Fund.
Expense and Equipment by \$29,497 from \$196,474 to \$166,977 General Revenue Fund.
From \$2,532,736 to \$2,156,199 in total from General Revenue Fund.
From \$2,536,534 to \$2,159,997 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 4.035.— To the Department of Revenue

For the state's share of the costs and expenses incurred pursuant to an approved assessment and equalization maintenance plan as provided by Chapter 137, RSMo

From General Revenue Fund	\$9,876,876
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***SECTION 4.036.**— To the Department of Revenue

For distribution to any political subdivision(s) to offset tax credits awarded by the state for property taxes levied on qualified rolling stock

From General Revenue Fund	\$2,000,000
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*I hereby veto \$2,000,000 from general revenue for distribution to any political subdivision(s) to offset tax credits awarded by the state for property taxes levied on qualified rolling stock.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.
From \$2,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 4.040.— To the Department of Revenue

For payment of fees to counties as a result of delinquent collections made by circuit attorneys or prosecuting attorneys and payment of collection agency fees

From General Revenue Fund	\$3,165,000
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SECTION 4.045. — To the Department of Revenue For payment of fees to counties for the filing of lien notices and lien releases From General Revenue Fund.....	\$465,000
SECTION 4.050. — To the Department of Revenue For distribution to cities and counties of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the Constitution of Missouri From Motor Fuel Tax Fund.....	\$188,000,000
SECTION 4.055. — To the Department of Revenue For distribution of emblem use fee contributions collected for specialty plates From General Revenue Fund.....	\$1,000
SECTION 4.060. — To the Department of Revenue For refunds for overpayment or erroneous payment of any tax or any payment that is credited to the General Revenue Fund From General Revenue Fund.....	\$1,312,000,000E
SECTION 4.061. — To the Department of Revenue For refunds for overpayment or erroneous payment of any tax or any payment that is credited to the General Revenue Fund or Surplus Revenue Fund From Surplus Revenue Fund.....	\$1E
SECTION 4.065. — To the Department of Revenue For refunds for overpayment or erroneous payment of any tax or any payment credited to Federal and Other Funds From Federal and Other Funds.....	\$50,000
SECTION 4.070. — To the Department of Revenue For the purpose of refunding any tax or fee credited to the State Highways and Transportation Department Fund From State Highways and Transportation Department Fund.....	\$2,290,564E
SECTION 4.075. — To the Department of Revenue For the purpose of refunding any overpayment or erroneous payment of any amount credited to the Aviation Trust Fund From Aviation Trust Fund.....	\$50,000
SECTION 4.080. — To the Department of Revenue For refunds and distributions of motor fuel taxes From State Highways and Transportation Department Fund.....	\$10,914,000E
SECTION 4.085. — To the Department of Revenue For refunds for overpayment or erroneous payment of any tax or any payment credited to the Workers' Compensation Fund From Workers' Compensation Fund.....	\$2,000,000
SECTION 4.090. — To the Department of Revenue For refunds for overpayment or erroneous payment of any tax or any payment for tobacco taxes From Health Initiatives Fund.....	\$25,000

From State School Moneys Fund.	25,000
From Fair Share Fund	11,000
Total.	<u>\$61,000</u>

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

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

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

SECTION 4.110.— There is transferred out of the State Treasury, chargeable
to the General Revenue Fund, such amounts as may be necessary to make
payments of refunds set off against debts as required by Section 488.020(3),
RSMo, to the Circuit Courts Escrow Fund
From General Revenue Fund. \$1,600,000

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

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

SECTION 4.125.— There is transferred out of the State Treasury, chargeable
to the Parks Sales Tax Fund, sixty-six hundredths percent of the funds
received, to the General Revenue Fund
From Parks Sales Tax Fund. \$300,000

SECTION 4.130.— There is transferred out of the State Treasury, chargeable
to the Soil and Water Sales Tax Fund, sixty-six hundredths percent of
the funds received, to the General Revenue Fund
From Soil and Water Sales Tax Fund. \$300,000

SECTION 4.145.— There is transferred out of the State Treasury, chargeable
to the General Revenue Fund, amounts from income tax refunds
designated by taxpayers for deposit in various income tax check-off funds
From General Revenue Fund. \$396,000

SECTION 4.150.— There is transferred out of the State Treasury, chargeable
to various income tax check-off funds, amounts from income tax refunds
erroneously deposited to said funds, to the General Revenue Fund
From Other Funds. \$13,669

SECTION 4.155. — For distribution from the various income tax check-off charitable trust funds	
From Other Funds.	\$50,000
SECTION 4.160. — There is transferred out of the State Treasury, chargeable to the Department of Revenue Information Fund, to the State Highways and Transportation Department Fund	
From Department of Revenue Information Fund.	\$1,250,000
SECTION 4.165. — There is transferred out of the State Treasury, chargeable to the Motor Fuel Tax Fund, to the State Highways and Transportation Department Fund	
From Motor Fuel Tax Fund.	\$560,178,001
SECTION 4.170. — There is transferred out of the State Treasury, chargeable to the Department of Revenue Specialty Plate Fund, to the State Highways and Transportation Department Fund	
From Department of Revenue Specialty Plate Fund.	\$20,000
SECTION 4.175. — To the Department of Revenue	
For the State Lottery Commission, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$6,899,318
Expense and Equipment, excluding any purposes for which appropriations have been made elsewhere in this section	8,847,515
For advertising expenses	16,000,000
For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the Lottery Commission.	<u>27,371,477</u>
From Lottery Enterprise Fund (Not to exceed 153.50 F.T.E.).	\$59,118,310
SECTION 4.180. — To the Department of Revenue	
For the State Lottery Commission	
For the payment of prizes	
From Lottery Enterprise Fund.	\$153,000,000E
SECTION 4.185. — There is transferred out of the State Treasury, chargeable to the Lottery Enterprise Fund, to the Lottery Proceeds Fund	
From Lottery Enterprise Fund.	\$299,000,000E
SECTION 4.400. — To the Department of Transportation	
For the Highways and Transportation Commission and Highway Program Administration	
Personal Service.	\$18,263,625
Expense and Equipment.	6,699,562
From State Road Fund (Not to exceed 350.57 F.T.E.).	<u>\$24,963,187</u>
SECTION 4.405. — To the Department of Transportation	
For department-wide fringe expenses	

For Administration fringe benefits	
Personal Service	\$13,850,867E
Expense and Equipment	<u>15,797,243E</u>
From State Road Fund	29,648,110
For Construction Program fringe benefits	
Personal Service	50,128,728E
Expense and Equipment	<u>527,107E</u>
From State Road Fund	50,655,835
For Maintenance Program fringe benefits	
From Federal Funds	230,885
Personal Service	112,811,871E
Expense and Equipment	<u>6,633,778E</u>
From State Road Fund	119,445,649
For Fleet, Facilities, and Information Systems fringe benefits	
Personal Service	10,298,358E
Expense and Equipment	<u>244,493E</u>
From State Road Fund	10,542,851
For Multimodal Operations fringe benefits	
Personal Service	
From Federal Funds	230,220
From State Road Fund	320,816E
From Railroad Expense Fund	284,181
From State Transportation Fund	116,357
From Aviation Trust Fund	<u>369,551</u>
Total	\$211,844,455

SECTION 4.410.— To the Department of Transportation

For the Construction Program

To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to expend funds from the United States Government for like purposes	
Personal Service	\$65,618,938E
Expense and Equipment	17,445,800E
Construction	<u>933,811,500E</u>
From State Road Fund	1,016,876,238

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

From State Road Fund	161,699,889E
From State Road Bond Fund	146,760,972E
Total (Not to exceed 1,326.44 F.T.E.)	\$1,325,337,099

SECTION 4.415. — To the Department of Transportation

For the Maintenance Program

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

Personal Service	\$311,266
Expense and Equipment	54,393
From Federal Funds	365,659

Personal Service	139,491,834E
Expense and Equipment	223,906,284E
From State Road Fund	363,398,118

Expense and Equipment	
From Motorcycle Safety Trust Fund	425,000

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

From Federal Funds	18,977,120
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For the Motor Carrier Safety Assistance Program

From Federal Funds	1,999,725
Total (Not to exceed 3,643.93 F.T.E.)	\$385,165,622

SECTION 4.420. — To the Department of Transportation

For the Maintenance Program

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

From Federal Funds	\$30,000,000
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SECTION 4.425. — To the Department of Transportation

For Fleet, Facilities, and Information Systems

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

Personal Service	\$13,964,240
Expense and Equipment	59,924,795
From State Road Fund (Not to exceed 299.25 F.T.E.)	\$73,889,035

SECTION 4.430.— To the Department of Transportation
For the purpose of refunding any tax or fee credited to the State Highways
and Transportation Department Fund. \$25,000E

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

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

SECTION 4.440.— To the Department of Transportation
For Multimodal Operations Administration
Personal Service. \$308,846
Expense and Equipment 269,600
From Federal Funds 578,446

Personal Service. 460,497
Expense and Equipment 39,852
From State Road Fund 500,349

Personal Service. 368,583
Expense and Equipment 100,902
From Railroad Expense Fund 469,485

Personal Service 158,469
Expense and Equipment. 26,220
From State Transportation Fund 184,689

Personal Service. 491,683
Expense and Equipment. 24,827
From Aviation Trust Fund. 516,510
Total (Not to exceed 33.68 F.T.E.). \$2,249,479

SECTION 4.445.— To the Department of Transportation
For Multimodal Operations
For reimbursements to the State Road Fund for providing professional and
technical services and administrative support of the multimodal program
From Federal Funds. \$83,500
From Railroad Expense Fund 90,500
From State Transportation Fund 35,000
From Aviation Trust Fund. 75,567
Total. \$284,567

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

SECTION 4.455. — To the Department of Transportation
 For the Transit Program
 For distributing funds to urban, small urban, and rural transportation systems

From General Revenue Fund.	\$1,000,000
From State Transportation Fund.	560,875
Total.	<u>\$1,560,875</u>

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

From Federal Funds.	\$12,000,000
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SECTION 4.465. — To the Department of Transportation
 For the Transit Program
 For an operating subsidy for not-for-profit transporters of the elderly, people
 with disabilities, and low-income individuals

From General Revenue Fund.	\$1,194,129
From State Transportation Fund.	1,274,478
Total.	<u>\$2,468,607</u>

SECTION 4.470. — To the Department of Transportation
 For the Transit Program
 For locally matched grants to small urban and rural areas under Sections 5311
 and 5316, Title 49, United States Code

From Federal and Local Funds.	\$27,000,000
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SECTION 4.475. — To the Department of Transportation
 For the Transit Program
 For grants under Section 5309, Title 49, United States Code to assist private,
 non-profit organizations providing public transportation services

From Federal Funds.	\$3,000,000
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SECTION 4.480. — To the Department of Transportation
 For the Transit Program
 For grants to metropolitan areas under Section 5305, Title 49, United States Code

From Federal Funds.	\$11,000,000
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SECTION 4.485. — To the Department of Transportation
 For the Transit Program
 For grants to public transit providers to replace, rehabilitate, and purchase
 vehicles and related equipment and to construct vehicle-related facilities
 under the Moving Ahead for Progress in the 21st Century Act

From Federal Funds.	\$4,000,000
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SECTION 4.490. — To the Department of Transportation
 For the Rail Program
 For infrastructure improvements and preliminary engineering evaluations on
 the existing rail corridor between St. Louis and Kansas City

From Federal Funds. \$22,500,000

SECTION 4.495.— To the Department of Transportation

Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus-Missouri Department of Transportation Fund, to the Multimodal Operations Federal Fund, for expenditures associated with passenger rail projects

From Federal Stimulus-Missouri Department of Transportation Fund. \$22,500,000

SECTION 4.500.— To the Department of Transportation

For the Light Rail Safety Program

From Federal Funds. \$505,962

From State Transportation Fund. 126,491

From Light Rail Safety Fund. 1,000,000

Total. \$1,632,453

***SECTION 4.505.**— To the Department of Transportation

For the Rail Program

For passenger rail service in Missouri

From General Revenue Fund. \$10,400,000

*I hereby veto \$1,500,000 from general revenue for passenger rail service in Missouri.

From \$10,400,000 to \$8,900,000 from General Revenue Fund.

From \$10,400,000 to \$8,900,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 4.510.— To the Department of Transportation

For station repairs and improvements at Missouri Amtrak stations

From State Transportation Fund. \$25,000

SECTION 4.515.— To the Department of Transportation

For protection of the public against hazards existing at railroad crossings pursuant to Chapter 389, RSMo

From Grade Crossing Safety Account. \$4,000,000

SECTION 4.520.— To the Department of Transportation

For the Aviation Program

For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories

From Aviation Trust Fund. \$7,500,000

For the purpose of funding improvements to the levee system that surrounds an airport in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat

From General Revenue Fund. 2,000,000

Total. \$9,500,000

SECTION 4.525.— To the Department of Transportation

For the purpose of funding airport master-planning in accordance with
Chapter 305.230, RSMo, at airports located in Mid-Missouri
From Aviation Trust Fund. \$350,000

SECTION 4.530. — To the Department of Transportation
For the Aviation Program
For construction, capital improvements, or planning of publicly owned airfields
by cities or other political subdivisions, including land acquisition, pursuant
to the provisions of the State Block Grant Program administered through
the Federal Airport Improvement Program
From Federal Funds. \$35,000,000

SECTION 4.535. — To the Department of Transportation
For the Waterways Program
For grants to port authorities for assistance in port planning, acquisition, or
construction within the port districts
From General Revenue Fund. \$3,000,000
From State Transportation Fund. 400,000
Total. \$3,400,000

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

SECTION 4.545. — To the Department of Transportation
For the Freight Enhancement Program
For projects to improve connectors for ports, rail, and other non-highway
transportation systems
From State Transportation Fund. \$650,000

Department of Revenue Totals
General Revenue Fund. \$88,741,937
Federal Funds. 4,104,865
Other Funds. 417,570,940
Total. \$510,417,742

Department of Transportation Totals
General Revenue Fund. \$17,594,129
Federal Funds. 138,471,517
Other Funds. 2,018,154,733
Total. \$2,174,220,379

Approved June 24, 2014

HB 2005 [CCS SCS HCS HB 2005]

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

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General; and further provided that the Office of Administration shall employ no more than 649.79 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015, as follows:

SECTION 5.005. — To the Office of Administration

For the Commissioner's Office

Personal Service.....	\$632,305
Annual salary adjustment in accordance with Section 105.005, RSMo	820
Expense and Equipment.....	79,263
From General Revenue Fund.....	<u>712,388</u>

For the Office of Equal Opportunity

Personal Service.....	220,619
Expense and Equipment.....	78,222
From General Revenue Fund.....	<u>298,841</u>

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

From Office of Administration-Donated Fund.....	<u>1,000,000</u>
Total (Not to exceed 14.50 F.T.E.).....	<u>\$2,011,229</u>

SECTION 5.010. — To the Office of Administration

For the Division of Accounting

Personal Service.....	\$2,098,274
Expense and Equipment.....	116,895
From General Revenue Fund (Not to exceed 49.00 F.T.E.).....	<u>\$2,215,169</u>

SECTION 5.015. — To the Office of Administration

For the Division of Budget and Planning

Personal Service.....	\$1,603,299
Expense and Equipment.....	71,921
From General Revenue Fund (Not to exceed 26.00 F.T.E.).....	<u>\$1,675,220</u>

SECTION 5.025. — To the Office of Administration

For the Information Technology Services Division

Provided that not more than fifty percent (50%) flexibility is allowed from personal service to expense and equipment, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system including funds used exclusively to support the information technology needs of the Department of Revenue in performance of its duties to collect highway revenue pursuant to Article IV, Section 30(b) of the Missouri Constitution

Personal Service	\$22,849,161
Expense and Equipment	29,212,418
From General Revenue Fund	<u>52,061,579</u>

Provided that not more than fifty percent (50%) flexibility is allowed from personal service to expense and equipment, also provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system and not more than twenty percent (20%) flexibility is allowed between federal funds and between other funds

Personal Service	18,301,997
Expense and Equipment	56,764,906
From Federal Funds	<u>75,066,903</u>

Personal Service and/or Expense and Equipment, provided that not more than fifty percent (50%) flexibility is allowed from personal service to expense and equipment, also provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system and not more than twenty percent (20%) flexibility is allowed between federal funds and between other funds

From Child Support Enforcement Fund	1,718,339
From Elevator Safety Fund	10,190
From Missouri Arts Council Trust Fund	22,660
From Missouri Commission for the Deaf Board of Certification of Interpreters Fund	9,022
From Nursing Facility Quality of Care Fund	417,860
From Division of Tourism Supplemental Revenue Fund	55,478
From Health Initiatives Fund	53,071
From Health Access Incentive Fund	7,690
From Lottery Proceeds Fund	109,178
From Animal Health Laboratory Fee Fund	5,925
From Mammography Fund	4,637
From Animal Care Reserve Fund	9,407

From Elderly Home-Delivered Meals Trust Fund	10,970
From Missouri Public Health Services Fund	972,272
From Livestock Brands Fund	2,998
From Veteran's Commission Capital Improvement Trust Fund	46,980
From Commodity Council Merchandising Fund	876
From Federal Surplus Property Fund	112,639
From Single-Purpose Animal Facilities Loan Program Fund	1,155
From State Fair Fees Fund	9,624
From Missouri Veteran's Homes Fund	931,217
From DNR Cost Allocation Fund	6,513,756
From State Facility Maintenance & Operation Fund	234,969
From DIPF Administrative Fund	128,668
From OA Revolving Administrative Trust Fund	35,046
From Working Capital Revolving Fund	229,433
From Inmate Revolving Fund	15,200
From DOSS Administrative Trust Fund	400,649
From DED Administrative Fund	1,299,626
From Division of Credit Unions Fund	6,606
From Division of Finance Fund	178,285
From Insurance Examiners Fund	121,328
From Deaf Relay Service and Equipment Distribution Program Fund	12,990
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund	7,102
From Insurance Dedicated Fund	915,839
From International Promotions Revolving Fund	2,762
From Livestock Sales & Markets Fees Fund	260
From Chemical Emergency Preparedness Fund	11,425
From Motor Vehicle Commission Fund	109,124
From Missouri Works Job Development Fund	7,000
From Conservation Commission Fund	33,198
From Blind Pension Fund	29,591
From Livestock Dealer Law Enforcement and Administration Fund	95
From State Highways and Transportation Department Fund	2,773,422
From Milk Inspection Fees Fund	4,961
From Department of Health and Senior Services Document Services Fund	108,323
From Grain Inspection Fees Fund	33,845
From Excellence In Education Fund	180,710
From Workers Compensation Fund	324,460
From Environmental Radiation Monitoring Fund	1,300
From Department of Health Donated Fund	20,563
From Petroleum Inspection Fund	109,611
From Energy Set-Aside Program Fund	84,243
From Missouri Land Survey Fund	178,285
From Hazardous Waste Fund	8,700
From Safe Drinking Water Fund	1,305
From Crime Victims Compensation Fund	25,554
From Agriculture Business Development Fund	2,491
From Professional Registration Fees Fund	1,227,598
From Children's Trust Fund	1,100
From Proprietary School Certification Fund	50,064
From Missouri Commission for the Deaf and Hard of Hearing Fund	2,000
From Boiler & Pressure Vessels Safety Fund	14,520

From Putative Father Registry Fund	12,300
From Missouri RX Plan Fund	15,000
From Missouri Wine and Grape Fund.	10,117
From Organ Donor Program Fund.	22,000
From Child Labor Enforcement Fund.	14,995
From Early Childhood Development, Education and Care Fund.	23,850
From Guaranty Agency Operating Fund.	836,333
From Childhood Lead Testing Fund	13,032
From Agriculture Development Fund.	880
From Institution Gift Trust Fund	90
From Special Employment Security Fund.	109,999
From Unemployment Automation Fund.	13,099,347
From Agriculture Protection Fund	25,690

Provided that not more than fifty percent (50%) flexibility is allowed from personal service to expense and equipment, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system

Personal Service.	22,054,798
Expense and Equipment.	23,832,527
From Missouri Revolving Information Technology Trust Fund.	45,887,325

For the purpose of funding information technology security enhancements

From General Revenue Fund.	4,500,000
Total (Not to exceed 1,035.10 F.T.E.).	\$211,657,635

SECTION 5.030.— To the Office of Administration

For the Information Technology Services Division

For the centralized telephone billing system

Expense and Equipment

From Missouri Revolving Information Technology Trust Fund.	\$44,700,697
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SECTION 5.035.— To the Office of Administration

For the Information Technology Services Division

For rural broadband

Personal Service. \$186,599

Expense and Equipment. 842,652

From Federal Stimulus - Office of Administration Fund

(Not to exceed 2.00 F.T.E.). \$1,029,251

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

For the Division of Personnel

Personal Service. \$2,757,890

Expense and Equipment. 81,646

From General Revenue Fund. 2,839,536

Personal Service. 174,969

Expense and Equipment. 471,489

From Office of Administration Revolving Administrative Trust Fund.	646,458
Personal Service.	90,710
Expense and Equipment.	3,600
From Missouri Revolving Information Technology Trust Fund.	<u>94,310</u>
For the purpose of funding a salary commission study	
From General Revenue Fund.	300,000
Total (Not to exceed 72.97 F.T.E.).	<u>\$3,880,304</u>

*I hereby veto \$300,000 general revenue for a salary commission study.

From \$300,000 to \$0 from General Revenue Fund.
From \$3,880,304 to \$3,580,304 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 5.045. — To the Office of Administration
For the Division of Purchasing and Materials Management

Personal Service.	\$1,685,547
Expense and Equipment.	72,851
From General Revenue Fund (Not to exceed 33.00 F.T.E.).	<u>\$1,758,398</u>

SECTION 5.050. — To the Office of Administration
For the Division of Purchasing and Materials Management
For refunding bid and performance bonds

From Office of Administration Revolving Administrative Trust Fund.	\$3,000,000
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SECTION 5.055. — To the Office of Administration
For the Division of Purchasing and Materials Management
For the operation of the State Agency for Surplus Property

Personal Service.	\$774,528
Expense and Equipment.	595,698

For the Fixed Price Vehicle Program

Expense and Equipment.	1,495,994
From Federal Surplus Property Fund (Not to exceed 20.00 F.T.E.).	<u>\$2,866,220</u>

SECTION 5.060. — To the Office of Administration
For the Division of Purchasing and Materials Management
For Surplus Property recycling activities

Personal Service.	\$47,620
Expense and Equipment.	50,322
From Federal Surplus Property Fund (Not to exceed 1.00 F.T.E.).	<u>\$97,942</u>

SECTION 5.065. — There is transferred out of the State Treasury, chargeable
to the Federal Surplus Property Fund, to the Department of Social
Services for the heating assistance program, as provided by Section
34.032, RSMo

From Federal Surplus Property Fund.	\$30,000
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SECTION 5.070. — To the Office of Administration

For the Division of Purchasing and Materials Management
 For the disbursement of surplus property sales receipts
 From Proceeds of Surplus Property Sales Fund. \$299,894

SECTION 5.075. — There is transferred out of the State Treasury,
 chargeable to the Proceeds of Surplus Property Sales Fund, to
 various state agency funds
 From Proceeds of Surplus Property Sales Fund. \$2,000,000

SECTION 5.080. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction Asset
 Management
 For authority to spend donated funds to support renovations and operations
 of the Governor's Mansion
 From State Facility Maintenance and Operation Fund. \$60,000

SECTION 5.085. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction Asset
 Management
 For any and all expenditures necessary for the purpose of funding the
 operations of the Board of Public Buildings, state-owned and leased
 office buildings, institutional facilities, laboratories, and support facilities
 Provided that not more than five percent (5%) flexibility is allowed between
 personal service and expense and equipment
 Personal Service. \$18,975,206
 Expense and Equipment. 34,152,987
 From State Facility Maintenance and Operation
 Fund (Not to exceed 513.50 F.T.E.). \$53,128,193

SECTION 5.090. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction Asset
 Management
 For the purpose of funding expenditures associated with the State Capitol
 Commission
 Expense and Equipment
 From State Capitol Commission Fund. \$25,000

SECTION 5.095. — To the Board of Public Buildings
 For the Office of Administration
 For the Division of Facilities Management, Design and Construction Asset
 Management
 For modifications, replacement, repair costs, and other support services at
 state-operated facilities or institutions when recovery is obtained from
 a third party including energy rebates or disaster recovery
 From State Facility Maintenance and Operation Fund. \$2,000,000

SECTION 5.100. — To the Office of Administration
 For the Division of General Services
 Personal Service. \$867,489
 Expense and Equipment. 75,353
 From General Revenue Fund. 942,842

Personal Service.....	2,834,122
Expense and Equipment.....	979,728
From Office of Administration Revolving Administrative Trust Fund.....	<u>3,813,850</u>
Total (Not to exceed 106.00 F.T.E.).....	\$4,756,692

SECTION 5.105.— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Property Preservation Fund
From General Revenue Fund..... \$1E

SECTION 5.110.— To the Office of Administration
For the Division of General Services
For the repair or replacement of state-owned or leased facilities that have suffered damage from natural or man-made events or for the defeasance of outstanding debt secured by the damaged facilities when a notice of coverage has been issued by the Commissioner of Administration, as provided by Sections 37.410 through 37.413, RSMo
From State Property Preservation Fund..... \$1E

SECTION 5.115.— To the Office of Administration
For the Division of General Services
For reimbursable expenses and for the replacement or repair of damaged equipment when recovery is obtained from a third party
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund..... \$16,000,000

SECTION 5.125.— There is transferred out of the State Treasury, chargeable to the funds shown below, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund.....	\$6,000,000E
From Conservation Commission Fund.....	130,000E
From Office of Administration Revolving Administrative Trust Fund.....	17,435E
From Park Sales Tax Fund.....	100,000E
From Soil and Water Sales Tax Fund.....	10,000E
From State Highways and Transportation Department Fund.....	<u>500,000E</u>
Total.....	\$6,757,435

SECTION 5.130.— To the Office of Administration
For the Division of General Services
For the payment of claims and expenses as provided by Section 105.711 et seq., RSMo, and for purchasing insurance against any or all liability of the State of Missouri or any agency, officer, or employee thereof
From State Legal Expense Fund..... \$6,757,435E

SECTION 5.135.— To the Office of Administration
For the Administrative Hearing Commission
Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$958,357
Annual salary adjustment in accordance with Section 105.005, RSMo.....	2,367
Expense and Equipment.....	<u>82,552</u>
From General Revenue Fund.....	1,043,276

Personal Service.	74,589
Annual salary adjustment in accordance with Section 105.005, RSMo	467
Expense and Equipment.	<u>56,715</u>
From Administrative Hearing Commission Educational Due Process Hearing Fund.	131,771
Total (Not to exceed 16.50 F.T.E.).	<u>\$1,175,047</u>

***SECTION 5.140.**— To the Office of Administration

For the purpose of funding the Office of Child Advocate

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

Personal Service.	\$141,488
Expense and Equipment.	<u>38,103</u>
From General Revenue Fund.	179,591

Personal Service.	125,001
Expense and Equipment.	<u>14,825</u>
From Federal Funds.	<u>139,826</u>
Total (Not to exceed 5.00 F.T.E.).	<u>\$319,417</u>

*I hereby veto \$100,000 general revenue for one new staff in the Office of Child Advocate.

Personal Service by \$70,000 from \$141,488 to \$71,488 General Revenue Fund.
Expense and Equipment by \$30,000 from \$38,103 to \$8,103 General Revenue Fund.
From \$179,591 to \$79,591 in total from General Revenue Fund.
From \$319,417 to \$219,417 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 5.145.— To the Office of Administration

For the administrative, promotional, and programmatic costs of the Children's

Trust Fund Board as provided by Section 210.173, RSMo

Personal Service.	\$217,452
Expense and Equipment	<u>119,104</u>
For Program Disbursements.	<u>3,360,000</u>
From Children's Trust Fund (Not to exceed 5.00 F.T.E.).	<u>\$3,696,556</u>

SECTION 5.150.— To the Office of Administration

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

Personal Service.	\$174,541
Expense and Equipment.	<u>19,618</u>
From General Revenue Fund (Not to exceed 4.00 F.T.E.).	<u>\$194,159</u>

SECTION 5.155.— To the Office of Administration

For those services provided through the Office of Administration that
are contracted with and reimbursed by the Board of Trustees of the
Missouri Public Entity Risk Management Fund as provided by
Chapter 537, RSMo

Personal Service.	\$666,483
Expense and Equipment.	<u>47,500</u>
From Office of Administration Revolving Administrative Trust Fund	

(Not to exceed 14.00 F.T.E.). \$713,983

SECTION 5.160.— To the Office of Administration

For the Missouri Ethics Commission

Provided that not more than five percent (5%) flexibility is allowed between

personal service and expense and equipment

Personal Service. \$1,095,125

Expense and Equipment. 289,852

From General Revenue Fund (Not to exceed 22.00 F.T.E.). \$1,384,977

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

For the purpose of funding alternatives to abortion services

From General Revenue Fund. \$2,033,561

From Federal Funds 50,000

For the alternative to abortion public awareness program

From General Revenue Fund. 75,000

Total. \$2,158,561

*I hereby veto \$500,000 general revenue for alternative to abortion services.

From \$2,033,561 to \$1,533,561 from General Revenue Fund.

From \$2,158,561 to \$1,658,561 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 5.170.— To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund. \$47,080,088

SECTION 5.175.— To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund. \$30,654

SECTION 5.180.— To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund. \$13,666,157

From State Facility Maintenance and Operation Fund. 2,434,339

Total. \$16,100,496

SECTION 5.185.— To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund. \$2,525,200

SECTION 5.190. — To the Office of Administration	
For transferring funds to the Fulton State Hospital Bond Fund for debt payments on bonds issued by the Missouri Development Finance Board pursuant to a finance agreement between the Missouri Development Finance Board, Office of Administration, and Department of Mental Health for a project to replace Fulton State Hospital not to exceed \$220 million in total bonding principal and for related expenses	
From General Revenue Fund..	\$14,200,000
SECTION 5.195. — To the Office of Administration	
For the Division of Accounting	
For debt service and issuance costs related to the Fulton State Hospital Bonds	
From Fulton State Hospital Bond Fund.	\$14,200,000
SECTION 5.197. — To the Office of Administration	
For the completion of design and construction to replace Fulton State Hospital	
From Fulton State Hospital Bond Proceeds Fund..	\$198,000,000
SECTION 5.200. — To the Office of Administration	
For the Information Technology Services Division	
For debt service related to Unified Communications	
From Missouri Revolving Information Technology Trust Fund..	\$4,030,368
SECTION 5.205. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For debt service related to guaranteed energy cost savings contracts	
From Facilities Maintenance Reserve Fund..	\$5,535,815
SECTION 5.210. — To the Office of Administration	
For the Division of Accounting	
For Debt Management	
Expense and Equipment	
From General Revenue Fund..	\$83,300
SECTION 5.215. — To the Office of Administration	
For the Division of Accounting	
For debt service contingency for the New Jobs and Jobs Retention Training Certificates Program	
From General Revenue Fund..	\$1
SECTION 5.220. — To the Office of Administration	
For the Division of Accounting	
For the Bartle Hall Convention Center expansion, operations, development, or maintenance in Kansas City pursuant to Sections 67.638 through 67.641, RSMo	
From General Revenue Fund..	\$2,000,000
SECTION 5.225. — To the Office of Administration	
For the Division of Accounting	
For the maintenance of the Jackson County Sports Complex pursuant to Sections 67.638 through 67.641, RSMo	

From General Revenue Fund. \$3,000,000

SECTION 5.230.— To the Office of Administration

For the Division of Accounting

For debt service and maintenance on the Edward Jones Dome project in
St. Louis

From General Revenue Fund. \$12,000,000

SECTION 5.235.— To the Office of Administration

For the Division of Accounting

For interest payments on federal grant monies in accordance with the
Cash Management Improvement Act of 1990 and 1992, and any
other interest or penalties due to the federal government

From General Revenue Fund. \$300,000

SECTION 5.240.— There is transferred out of the State Treasury, chargeable to the Budget Reserve Fund and Other Funds, such amounts as may be necessary for cash-flow assistance to various funds, provided, however, that funds other than the Budget Reserve Fund will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Cash-flow assistance from funds other than the Budget Reserve Fund shall only be transferred from May 15 to June 30 in any fiscal year, and an amount equal to the transfer received, plus interest, shall be transferred back to the appropriate Other Funds prior to June 30 of the fiscal year in which the transfer was made

From Budget Reserve Fund and Other Funds to General Revenue Fund. . . . \$500,000,000

From Budget Reserve Fund and Other Funds to Other Funds. 75,000,000

Total. \$575,000,000

SECTION 5.245.— There is transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the Budget Reserve Fund and Other Funds, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to funds, other than the Budget Reserve Fund, has been made

From General Revenue Fund. \$500,000,000

From Other Funds. 75,000,000

Total. \$575,000,000

SECTION 5.250.— There is transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash-flow assistance, to the Budget Reserve Fund and Other Funds

From General Revenue Fund. \$3,000,000

From Other Funds. 500,000

Total. \$3,500,000

SECTION 5.255.— There is transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund

From General Revenue Fund. \$1E

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

SECTION 5.260.— There is transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances

From General Revenue Fund.....	\$50,000
From Other Funds.....	500,000
Total.....	<u>\$550,000</u>

SECTION 5.265.— There is transferred out of the State Treasury, chargeable to various funds such amounts as are necessary for allocation of costs to other funds in support of the state's central services performed by the Office of Administration, the Department of Revenue, the Capitol Police, the Elected Officials, and the General Assembly, to the General Revenue Fund

From Other Funds.....	\$7,376,745
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SECTION 5.270.— To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law

From Federal Funds.....	\$1,800,000
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SECTION 5.275.— To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri

From Federal Funds.....	\$8,000,000
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SECTION 5.280.— To the Office of Administration

For the Division of Accounting

For payments to counties for county correctional prosecution reimbursements pursuant to Sections 50.850 and 50.853, RSMo

From General Revenue Fund.....	\$30,000
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SECTION 5.290.— To the Office of Administration

For the Commissioner's Office

For distribution of state grants to regional planning commissions and local governments as provided by Chapter 251, RSMo

From General Revenue Fund.....	\$100,000
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***SECTION 5.450.**— To the Office of Administration

For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund

From General Revenue Fund.....	\$74,589,495E
From Federal Funds.....	29,123,233E
From Other Funds.....	<u>44,112,955E</u>

Total \$147,825,683

*I hereby veto \$207,660 general revenue for OASDHI related to budget cuts.

From \$74,589,495E to \$74,381,835E from General Revenue Fund.
From \$147,825,683 to \$147,618,023 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 5.455.— For the Department of Public Safety
For transferring funds for employees of the State Highway Patrol to the
OASDHI Contributions Fund, said transfers to be administered by
the Office of Administration
From State Highways and Transportation Department Fund. \$8,036,974E

***SECTION 5.460.**— To the Office of Administration
For the Division of Accounting
For the payment of OASDHI taxes for all state employees and for
participating political subdivisions within the state to the Treasurer
of the United States for compliance with current provisions of Title 2
of the Federal Social Security Act, as amended, in accordance with
the agreement between the State Social Security Administrator and
the Secretary of the Department of Health and Human Services; and
for administration of the agreement under Section 218 of the Social
Security Act which extends Social Security benefits to state and local
public employees
From OASDHI Contributions Fund. \$155,862,657E

*I hereby veto \$207,660 OASDHI Contributions Fund for payment of OASDHI taxes related to budget cuts.

From \$155,862,657E to \$155,654,997E from OASDHI Contributions Fund.
From \$155,862,657E to \$155,654,997E in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 5.465.**— To the Office of Administration
For transferring funds for the state's contribution to the Missouri State
Employees' Retirement System to the State Retirement Contributions
Fund, provided that no more than \$9,310,440 for administration of the
plan, investment expenses not included
From General Revenue Fund. \$201,289,787E
From Federal Funds 71,642,034E
From Other Funds. 58,788,021E
Total. \$331,719,842

*I hereby veto \$485,898 general revenue for the Missouri State Employees' Retirement System related to budget cuts.

From \$201,289,787E to \$200,803,889E from General Revenue Fund.
From \$331,719,842 to \$331,233,944 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 5.470.**— To the Office of Administration
 For the Division of Accounting
 For payment of the state's contribution to the Missouri State Employees'
 Retirement System, provided that no more than \$9,310,440 for
 administration of the plan, investment expenses not included
 From State Retirement Contributions Fund. \$331,719,842E

*I hereby veto \$485,898 State Retirement Contributions Fund for payment of the state's
 contribution to the Missouri State Employees' Retirement System related to budget cuts.

From \$331,719,842E to \$331,233,944E from State Retirement Contributions Fund.
 From \$331,719,842E to \$331,233,944E in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 5.475.— To the Office of Administration
 For the Division of Accounting
 For payment of retirement benefits to the Public School Retirement System
 pursuant to Section 104.342, RSMo
 From General Revenue Fund. \$600,000E
 From Federal Funds 60,000E
 From Health Initiatives Fund 500E
 From DOSS Educational Improvement Fund. 1,500E
 Total. \$662,000

SECTION 5.480.— To the Office of Administration
 For transferring funds for all state employees who are qualified participants
 in the state Deferred Compensation Plan in accordance with Section
 105.927, RSMo, and pursuant to Section 401(a) of the Internal Revenue
 Code to the Missouri State Employees' Deferred Compensation Incentive
 Plan Administration Fund
 From General Revenue Fund. \$3,856,200
 From Federal Funds 2,113,200
 From Other Funds. 3,157,200
 Total. \$9,126,600

SECTION 5.485.— For the Department of Public Safety
 For transferring funds for the state's contribution to the Missouri State
 Employees' Deferred Compensation Incentive Plan Administration
 Fund for employees of the State Highway Patrol, said transfers to be
 administered by the Office of Administration
 From State Highways and Transportation Department Fund. \$448,140

SECTION 5.490.— To the Office of Administration
 For the Division of Accounting
 For the payment of incentive match funds credited by the state at a rate of
 \$25 per month per qualified participant in accordance with Section
 105.927, RSMo, who contribute at least \$25 per month, to deferred
 compensation investment companies
 From Missouri State Employees' Deferred Compensation Incentive Plan
 Administration Fund. \$9,574,740

SECTION 5.495.— To the Office of Administration
 For the Division of Accounting
 For reimbursing the Division of Employment Security benefit account for
 claims paid to former state employees for unemployment insurance
 coverage and for related professional services

From General Revenue Fund.	\$1,643,413E
From Federal Funds	560,776E
From Other Funds.	<u>1,609,800E</u>
Total.	\$3,813,989

SECTION 5.500.— To the Office of Administration
 For the Division of Accounting
 For reimbursing the Division of Employment Security benefit account for
 claims paid to former state employees of the Department of Public
 Safety for unemployment insurance coverage and for related
 professional services

From State Highways and Transportation Department Fund.	\$169,942E
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***SECTION 5.505.**— To the Office of Administration
 For transferring funds for the state's contribution to the Missouri Consolidated
 Health Care Plan to the Missouri Consolidated Health Care Plan Benefit
 Fund, provided that no more than \$8,107,279 plus the statewide pay plan
 is for administration of the plan, excluding third party administrator fees

From General Revenue Fund.	\$239,325,581E
From Federal Funds	97,522,963E
From Other Funds.	<u>55,633,722E</u>
Total.	\$392,482,266

*I hereby veto \$3,197,807 for the Missouri Consolidated Healthcare Plan, including \$2,232,920
 general revenue related to budget cuts.

From \$239,325,581E to \$237,092,661E from General Revenue Fund.
 From \$97,522,963E to \$96,908,568E from Federal Funds.
 From \$55,633,722E to \$55,283,230E from Other Funds.
 From \$392,482,266 to \$389,284,459 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 5.510.**— To the Office of Administration
 For the Division of Accounting
 For payment of the state's contribution to the Missouri Consolidated Health Care
 Plan, provided that no more than \$8,107,279 plus the statewide pay plan is
 for administration of the plan, excluding third party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund.	\$392,482,266E
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*I hereby veto \$3,197,807 Missouri Consolidated Health Care Plan Benefit Fund for the state's
 contribution to the Missouri Consolidated Health Care Plan related to budget cuts.

From \$392,482,266E to \$389,284,459E from Missouri Consolidated Health Care Plan Benefit
 Fund.
 From \$392,482,266E to \$389,284,459E in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 5.515.**— To the Office of Administration
 For transferring funds for the state's contribution for post employment
 benefits other than pensions to the Missouri Consolidated Health
 Care Plan Benefit Fund

From General Revenue Fund.....	\$2,575,000
From Federal Funds.....	1,154,310E
From Other Funds.....	710,345E
Total.....	<u>\$4,439,655</u>

*I hereby veto \$4,439,655 including \$2,575,000 general revenue for post employment benefits other than pensions to the Missouri Consolidated Health Care Plan Benefit Fund.

Said section is vetoed in its entirety.

From \$2,575,000 to \$0 from General Revenue Fund.
From \$1,154,310E to \$0 from Federal Funds.
From \$710,345E to \$0 from Other Funds.
From \$4,439,655 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 5.520.**— To the Office of Administration
 For the Division of Accounting
 For payment of the state's contribution for post employment benefits other
 than pensions

From Missouri Consolidated Health Care Plan Benefit Fund.....	\$4,439,655E
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*I hereby veto \$4,439,655 Missouri Consolidated Health Care Plan Benefit Fund for the state's contribution for post employment benefits other than pensions.

Said section is vetoed in its entirety.

From \$4,439,655E to \$0 from Missouri Consolidated Health Care Plan Benefit Fund.
From \$4,439,655E to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 5.525.— To the Office of Administration
 For the Division of Accounting
 For paying refunds for overpayment or erroneous payment of employee
 withholding taxes

From General Revenue Fund.....	\$36,000E
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SECTION 5.530.— To the Office of Administration
 For the Division of Accounting
 For providing voluntary life insurance

From Missouri State Employees Voluntary Life Insurance Fund.....	\$3,900,000E
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SECTION 5.535.— To the Office of Administration
 For the Division of Accounting
 For employee medical expense reimbursements reserve

From General Revenue Fund.....	\$1
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SECTION 5.540.— To the Office of Administration
 For the Division of Accounting
 Personal Service for state payroll contingency
 From General Revenue Fund. \$36,000

SECTION 5.545.— To the Office of Administration
 For the Division of General Services
 For the provision of workers' compensation benefits to state employees
 through either a self-insurance program administered by the Office of
 Administration and/or by contractual agreement with a private carrier
 and for administrative and legal expenses authorized, in part, by Section
 105.810, RSMo
 From General Revenue Fund. \$32,194,630E
 From Conservation Commission Fund. 1,200,000E
 Total. \$33,394,630

SECTION 5.550.— There is hereby transferred out of the State Treasury,
 chargeable to various funds, amounts paid from the General Revenue
 Fund for workers' compensation benefits provided to employees paid
 from these other funds, to the General Revenue Fund
 From Federal Funds. \$4,174,971E
 From Other Funds. 3,186,057E
 Total. \$7,361,028

SECTION 5.555.— To the Office of Administration
 For the Division of General Services
 For workers' compensation tax payments pursuant to Section 287.690, RSMo
 From General Revenue Fund. \$2,665,000E
 From Conservation Commission Fund. 65,000E
 Total. \$2,730,000

Office of Administration Totals
 General Revenue Fund. \$176,279,939
 Federal Funds. 82,168,124
 Other Funds. 244,085,398
 Total. \$502,533,461

Employee Benefits Totals
 General Revenue Fund. \$558,775,107
 Federal Funds. 202,176,516
 Other Funds. 177,834,099
 Total. \$938,785,722

Approved June 24, 2014

HB 2006 [CCS SCS HCS HB 2006]

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

APPROPRIATIONS: DEPARTMENT OF AGRICULTURE, DEPARTMENT OF NATURAL RESOURCES, AND DEPARTMENT OF CONSERVATION

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Agriculture shall employ no more than 88.25 full time equivalent employees (F.T.E) from the General Revenue Fund, and further provided that the Department of Natural Resources shall employ no more than 134.84 full time equivalent employees (F.T.E) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

SECTION 6.005. — To the Department of Agriculture

For the Office of the Director, provided that one-hundred percent (100%)

flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.	\$751,738
Annual salary Adjustment in accordance with Section 105.005, RSMo.	652
Expense and Equipment	131,233
From Agriculture Protection Fund	<u>883,623</u>
Personal Service.	22,606
Annual salary Adjustment in accordance with Section 105.005, RSMo.	40
Expense and Equipment.	2,494
From Animal Care Reserve Fund.	<u>25,140</u>
Personal Service.	22,703
Expense and Equipment.	2,500
From Animal Health Laboratory Fee Fund	<u>25,203</u>
Personal Service.	17,982
Annual salary Adjustment in accordance with Section 105.005, RSMo.	18
Expense and Equipment.	1,982
From Grain Inspection Fees Fund.	<u>19,982</u>
Personal Service.	8,186
Expense and Equipment.	901
From Missouri Land Survey Fund	<u>9,087</u>
Personal Service.	13,593

Annual salary Adjustment in accordance with Section 105.005, RSMo.	18
Expense and Equipment.	<u>1,499</u>
From Missouri Wine and Grape Fund.	15,110
Personal Service.	26,683
Annual salary Adjustment in accordance with Section 105.005, RSMo.	23
Expense and Equipment.	<u>2,940</u>
From Petroleum Inspection Fund.	29,646
Personal Service.	32,615
Annual salary Adjustment in accordance with Section 105.005, RSMo.	52
Expense and Equipment.	<u>3,597</u>
From State Fair Fees Fund.	36,264
Personal Service.	111,012
Expense and Equipment	<u>224,325</u>
From Federal Funds	335,337
Personal Service.	37,170
Expense and Equipment	<u>2,000</u>
From Federal Stimulus-MDA.	39,170
For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees	
From General Revenue Fund.	3,639
From Agriculture Protection Fund	13,500
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds	
Personal Service.	46,156
Expense and Equipment	<u>284,883</u>
From Federal Funds.	331,039
Total (Not to exceed 21.00 F.T.E.).	\$1,766,740
SECTION 6.010. — To the Department of Agriculture There is hereby transferred out of the State Treasury, chargeable to the Lottery Proceeds Fund, to the Veterinary Student Loan Payment Fund	
From Lottery Proceeds Fund.	\$120,000
SECTION 6.015. — To the Department of Agriculture For the purpose of providing large animal veterinary student loans in accordance with the provisions of Sections 340.375 to 340.396, RSMo	
From Veterinary Student Loan Payment Fund.	\$180,000
*SECTION 6.020. — To the Department of Agriculture There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Qualified Biodiesel Producer Incentive Fund	

From General Revenue Fund. \$12,748,100

*I hereby veto \$7,223,100 general revenue for transfer to the Missouri Qualified Biodiesel Producer Incentive Fund.

From \$12,748,100 to \$5,525,000 from General Revenue Fund.

From \$12,748,100 to \$5,525,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 6.025.**— To the Department of Agriculture

For Missouri Biodiesel Producer Incentive Payments

From Missouri Qualified Biodiesel Producer Incentive Fund. \$12,748,100

*I hereby veto \$7,223,100 Missouri Qualified Biodiesel Producer Incentive Fund for producer incentives.

From \$12,748,100 to \$5,525,000 from Missouri Qualified Biodiesel Producer Incentive Fund.

From \$12,748,100 to \$5,525,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 6.030.— To the Department of Agriculture

For the Agriculture Business Development Division, provided that

one-hundred percent (100%) flexibility is allowed between funds

and no flexibility is allowed between personal service and expense

and equipment

Personal Service

From Aquaculture Marketing Development Fund. \$9,278

Personal Service. 8,557

Expense and Equipment 193,920

From Agriculture Business Development Fund 202,477

Personal Service. 1,074,996

Expense and Equipment. 425,004

From Agriculture Protection Fund 1,500,000

Personal Service. 22,863

Expense and Equipment 459,041

From Federal Funds 481,904

For Agriculture Business Awareness Program

From State Institutional Gift Trust Fund 22,815

For Governor's Conference on Agriculture

From Agriculture Business Development Fund 210,638

For Urban Agriculture Program

From Agriculture Protection Fund. 25,000

Total (Not to exceed 25.51 F.T.E.) \$2,452,112

SECTION 6.035.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Agri Missouri Marketing Program

Personal Service.....	\$36,233
Expense and Equipment	118,756
From Agriculture Protection Fund (Not to exceed 0.97 F.T.E.).	<u>\$154,989</u>

SECTION 6.040.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Wine and Grape Program

Personal Service.....	\$262,535
Expense and Equipment	1,598,695
From Missouri Wine and Grape Fund (Not to exceed 5.00 F.T.E.).	<u>\$1,861,230</u>

SECTION 6.045.— To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Agriculture and Small Business Development Authority, provided
 that one-hundred percent (100%) flexibility is allowed between funds
 and no flexibility is allowed between personal service and expense
 and equipment

Personal Service.....	\$111,028
Expense and Equipment.....	9,364
From Single-Purpose Animal Facilities Loan Program.....	<u>120,392</u>

Personal Service.....	11,151
Expense and Equipment.....	2,000
From Livestock Feed Crop Loan Program Fund.....	<u>13,151</u>
Total (Not to exceed 3.20 F.T.E.).	<u>\$133,543</u>

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

From General Revenue Fund.....	\$5,000
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SECTION 6.055.— To the Department of Agriculture
 For the purpose of funding loan guarantees as provided in Sections 348.190
 and 348.200, RSMo; Single Purpose Animal Facility Loan Program

From Single-Purpose Animal Facilities Loan Guarantee Fund.....	\$201,046
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SECTION 6.060.— To the Department of Agriculture
 There is hereby transferred out of the State Treasury, chargeable to the
 General Revenue Fund, to the Agricultural Product Utilization and
 Business Development Loan Guarantee Fund; Missouri Value Added
 Loan Transfer

From General Revenue Fund.....	\$15,000
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SECTION 6.065.— To the Department of Agriculture
 For the purpose of funding loan guarantees as provided in Sections 348.403,
 348.408, and 348.409, RSMo; Missouri Value Added Loan Program

From Agricultural Product Utilization and Business Development Loan Guarantee Fund.....	\$624,501
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SECTION 6.070. — To the Department of Agriculture
 There is hereby transferred out of the State Treasury, chargeable to the General
 Revenue Fund, to the Livestock Feed and Crop Input Loan Guarantee Fund
 From General Revenue Fund. \$5,000

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

SECTION 6.080. — To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Agriculture Development Program
 Personal Service. \$75,014
 Expense and Equipment. 41,744
 From Agriculture Development Fund. 116,758

For all monies in the Agriculture Development Fund for investments,
 reinvestments, and for emergency agricultural relief and rehabilitation
 as provided by law
 From Agriculture Development Fund. 100,000
 Total (Not to exceed 1.60 F.T.E.). \$216,758

SECTION 6.085. — To the Department of Agriculture
 For the Division of Animal Health
 Personal Service. \$2,564,408
 Expense and Equipment. 907,293
 From General Revenue Fund. 3,471,701

For the Division of Animal Health, provided that one-hundred percent
 (100%) flexibility is allowed between funds and no flexibility is
 allowed between personal service and expense and equipment
 Personal Service. 144,589
 Expense and Equipment 657,050
 From Animal Health Laboratory Fee Fund. 801,639

Personal Service. 493,094
 Expense and Equipment 189,956
 From Animal Care Reserve Fund. 683,050

Personal Service. 20,092
 Expense and Equipment 30,698
 From Livestock Brands Fund 50,790

Personal Service. 688,101
 Expense and Equipment. 740,141
 From Federal Funds 1,428,242

Expense and Equipment
 From Livestock Sales and Markets Fees Fund 30,690

Expense and Equipment From Agriculture Protection Fund	2,462
Expense and Equipment From Puppy Protection Trust Fund	1,000
Expense and Equipment From Large Carnivore Fund.	5,000
To support local efforts to spay and neuter cats and dogs From Missouri Pet Spay/Neuter Fund	50,000
For processing livestock market bankruptcy claims From Agriculture Bond Trustee Fund	129,000
For the expenditures of contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals From Institution Gift Trust Fund.	5,000
Total (Not to exceed 86.42 F.T.E.).	<u>\$6,658,574</u>
SECTION 6.090. — To the Department of Agriculture For the Division of Animal Health For funding indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to fifty percent (50%)	
From General Revenue Fund.	\$10,000
SECTION 6.095. — To the Department of Agriculture For the Division of Grain Inspection and Warehousing, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	689,883
Expense and Equipment.	<u>85,928</u>
From General Revenue Fund.	<u>775,811</u>
For the Division of Grain Inspection and Warehousing, provided that one-hundred percent (100%) flexibility is allowed between funds and not more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	78,089
Expense and Equipment	<u>15,651</u>
From Commodity Council Merchandising Fund	<u>93,740</u>
Personal Service.	1,430,853
Expense and Equipment.	<u>271,744</u>
From Grain Inspection Fees Fund.	<u>1,702,597</u>
Expense and Equipment From Agriculture Protection Fund	44,170

Personal Service.	35,433
Expense and Equipment	36,211
From Federal Funds	71,644

For Payment of Federal User Fee	
From Grain Inspection Fees Fund.	100,000
Total (Not to exceed 65.25 F.T.E.)	\$2,787,962

SECTION 6.100.— To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
For the Missouri Aquaculture Council
From Aquaculture Marketing Development Fund. \$11,000

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

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

SECTION 6.105.— To the Department of Agriculture
For the Division of Plant Industries, provided that one-hundred percent (100%)
flexibility is allowed between Plant Industries, Invasive Pest Control
Program, and Boll Weevil Eradication Program and no flexibility is
allowed between personal service and expense and equipment

Personal Service.	\$462,041
Expense and Equipment	720,918
From Federal Funds	1,182,959

Personal Service.	1,680,412
Expense and Equipment	1,139,246
From Agriculture Protection Fund	2,819,658

For the Invasive Pest Control Program	
Personal Service.	30,181
Expense and Equipment	71,388
From Federal Funds	101,569

Personal Service.	130,558
Expense and Equipment.	58,000
From Agriculture Protection Fund	188,558

For the Boll Weevil Eradication Program	
Personal Service.	39,661
Expense and Equipment	24,657
From Boll Weevil Suppression and Eradication Fund.	64,318
Total (Not to exceed 60.46 F.T.E.)	\$4,357,062

SECTION 6.110.— To the Department of Agriculture
For the Division of Weights, Measures and Consumer Protection, provided
that not more than five percent (5%) flexibility is allowed between
personal service and expense and equipment

Personal Service.....	\$437,414
Expense and Equipment.....	100,396
From General Revenue Fund.....	537,810

For the Division of Weights, Measures and Consumer Protection, provided that one-hundred percent (100%) flexibility is allowed between funds and not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	37,336
Expense and Equipment.....	50,000
From Federal Funds.....	87,336

Personal Service.....	521,888
Expense and Equipment.....	216,971
From Agriculture Protection Fund.....	738,859

Personal Service.....	1,560,252
Expense and Equipment.....	757,817
From Petroleum Inspection Fund.....	2,318,069
Total (Not to exceed 70.11 F.T.E.).....	\$3,682,074

***SECTION 6.115.**— To the Department of Agriculture

For the Missouri Land Survey Program, provided that one-hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Land Survey Operations

Personal Service.....	\$882,756
Expense and Equipment.....	116,830
From Missouri Land Survey Fund.....	999,586

Expense and Equipment	
From Agriculture Land Survey Revolving Services Fund.....	80,000

For Corner Restoration Contracts

From General Revenue Fund.....	30,000
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For Surveying Corners and for Record Restorations, provided that one-hundred percent (100%) flexibility is allowed between funds

From Federal Funds.....	60,000
From Missouri Land Survey Fund.....	180,000
Total (Not to exceed 14.68 F.T.E.).....	\$1,349,586

*I hereby veto \$30,000 general revenue for corner restoration contracts.

From \$30,000 to \$0 from General Revenue Fund.
From \$1,349,586 to \$1,319,586 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 6.120.— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the Department of Natural Resources Revolving Services Fund, to the Department of Agriculture Land Survey Revolving Services Fund

From Department of Natural Resources Revolving Services Fund. \$331,082

***SECTION 6.123.**— To the Department of Agriculture

For the Fisher Delta Research Center in Southeast Missouri with the
purpose of funding a public private partnership for the control of
Asian Carp in Missouri

From General Revenue Fund. \$500,000

*I hereby veto \$500,000 general revenue for the Fisher Delta Research Center in Southeast Missouri for the control of Asian Carp in Missouri.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 6.125.**— To the Department of Agriculture

For the Missouri State Fair, provided that one-hundred percent
(100%) flexibility is allowed between funds and not more than
five percent (5%) flexibility is allowed between personal service
and expense and equipment

Personal Service.	\$1,326,261
Expense and Equipment.	<u>2,599,740</u>
From State Fair Fees Fund.	<u>3,926,001</u>

Personal Service	
From Agriculture Protection Fund.	518,207

For the purpose of funding infrastructure improvements, renovations and
maintenance of the Woman's Building at the Missouri State Fairgrounds

From General Revenue Fund.	<u>1,500,000</u>
Total (Not to exceed 59.38 F.T.E.).	<u>\$5,944,208</u>

*I hereby veto \$1,500,000 general revenue for the purpose of funding infrastructure improvements, renovations and maintenance of the Woman's Building at the Missouri State Fairgrounds.

From \$1,500,000 to \$0 from General Revenue Fund.
From \$5,944,208 to \$4,444,208 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 6.130.— To the Department of Agriculture

For cash to start the Missouri State Fair

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

SECTION 6.135.— To the Department of Agriculture

For the Missouri State Fair
For equipment replacement

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

SECTION 6.140.— To the Department of Agriculture
For the State Milk Board provided that not more than five percent (5%)
flexibility is allowed between personal service and expense and equipment
Personal Service. \$103,593
Expense and Equipment. 852
From General Revenue Fund. 104,445

For the State Milk Board, provided that one-hundred percent (100%) flexibility
is allowed between the State Milk Board, Milk Board Local Health, and
Dairy Plant Inspections, and not more than five percent (5%) flexibility
is allowed between personal service and expense and equipment
Personal Service. 335,856
Expense and Equipment 249,760
From Milk Inspection Fees Fund 585,616

For Milk Board Local Health
Expense and Equipment
From Milk Inspection Fees Fund 802,262

For Dairy Plant Inspections
Expense and Equipment
From Dairy Plant Inspection and Grading Fee Fund 4,305

Expense and Equipment
From Dairy Plant Inspection and Grading Fee Fund. 247
Total (Not to exceed 11.93 F.T.E.). \$1,496,875

SECTION 6.200.— To the Department of Natural Resources
For department operations, administration, and support
Personal Service. \$194,966
Annual salary adjustment in accordance with Section 105.005, RSMo. 55
Expense and Equipment 109,485
From General Revenue Fund. 304,506

For department operations, administration, and support, provided that
one-hundred percent (100%) flexibility is allowed between funds
and no flexibility is allowed between personal service and expense
and equipment
Personal Service. 1,391,465
Annual salary adjustment in accordance with Section 105.005, RSMo. 265
Expense and Equipment. 413,142
From Department of Natural Resources Federal and Other Fund-0140 1,804,872

Personal Service. 2,323,584
Annual salary adjustment in accordance with Section 105.005, RSMo. 483
Expense and Equipment. 543,587
From DNR Cost Allocation Fund. 2,867,654

Personal Service. 41,669

Expense and Equipment.....	5,129
From Natural Resources Revolving Services Fund.....	<u>46,798</u>

Expense and Equipment	
From Water & Wastewater Loan Fund.....	27,000

For Contractual Audits	
From State Park Earnings Fund.....	100,000
From Solid Waste Management Fund.....	150,000
From Soil and Water Sales Tax Fund.....	250,000
Total (Not to exceed 85.19 F.T.E.).....	<u>\$5,550,830</u>

SECTION 6.205.— To the Department of Natural Resources

For the Water Resources Center	
Personal Service.....	\$1,407,796
Expense and Equipment.....	1,569,772
From General Revenue Fund.....	<u>2,977,568</u>

For Water Resources Center, provided that one-hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	368,875
Expense and Equipment.....	184,570
From Department of Natural Resources Federal and Other Fund -0140.....	<u>553,445</u>

Personal Service	
From DNR Cost Allocation Fund.....	37,267
Total (Not to exceed 32.80 F.T.E.).....	<u>\$3,568,280</u>

SECTION 6.210.— To the Department of Natural Resources

There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Water Development Fund	
From General Revenue Fund.....	\$465,795

SECTION 6.215.— To the Department of Natural Resources

For the payment of interest, operations, and maintenance in accordance with the Cannon Water Contract	
From Missouri Water Development Fund.....	\$465,795

SECTION 6.220.— To the Department of Natural Resources

For the Soil and Water Conservation Program, provided that one-hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
For Personal Service.....	\$1,367,074
For Expense and Equipment.....	629,982
From Soil and Water Sales Tax Fund.....	<u>1,997,056</u>

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

For grants to local soil and water conservation districts	
Expense and Equipment	11,680,570
For soil and water conservation cost-share grants.	31,000,000
For a conservation incentive program	250,000
For a special area land treatment program.	800,000
For grants to colleges and universities for research projects	
on soil erosion and conservation.	200,000
From Soil and Water Sales Tax Fund.	<u>43,930,570</u>
Total (Not to exceed 32.86 F.T.E.)	\$46,927,626

***SECTION 6.225.**— To the Department of Natural Resources

For the Division of Environmental Quality, provided that not more than twenty-five percent (25%) flexibility is allowed between programs and/or regional offices and that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$3,786,662
Expense and Equipment.	<u>682,246</u>
From General Revenue Fund.	4,468,908

For the Division of Environmental Quality, provided that one-hundred percent (100%) flexibility is allowed between funds and not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	14,184,175
Expense and Equipment.	<u>4,735,956</u>
From Department of Natural Resources Federal and Other Fund -0140.	18,920,131

Expense and Equipment	
From Abandoned Mined Reclamation Fund.	13

Personal Service.	652,714
Expense and Equipment	<u>151,837</u>
From DNR Cost Allocation Fund.	804,551

Personal Service.	11,942
Expense and Equipment.	<u>5,625</u>
From Coal Mine Land Reclamation Fund	17,567

Personal Service.	88,385
Expense and Equipment.	<u>6,845</u>
From Dry-Cleaning Environmental Response Trust Fund.	95,230

Personal Service.	56,722
Expense and Equipment	<u>223,102</u>
From Environmental Radiation Monitoring Fund.	279,824

Personal Service.	1,760,518
Expense and Equipment.	<u>227,624</u>
From Hazardous Waste Fund.	1,988,142

Personal Service.	61,303
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Expense and Equipment	8,136
From Metallic Minerals Waste Management Fund	<u>69,439</u>
Personal Service	442,812
Expense and Equipment	211,776
From Mined Land Reclamation Fund	<u>654,588</u>
Personal Service	952,257
Expense and Equipment	488,475
From Missouri Air Emission Reduction Fund	<u>1,440,732</u>
Personal Service	362,112
Expense and Equipment	104,529
From Natural Resources Protection Fund	<u>466,641</u>
Personal Service	214,574
Expense and Equipment	<u>36,691</u>
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount	251,265
Personal Service	4,098,582
Expense and Equipment	<u>1,010,195</u>
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	5,108,777
Personal Service	3,204,181
Expense and Equipment	<u>909,340</u>
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	4,113,521
Personal Service	1,853,914
Expense and Equipment	<u>951,777</u>
From Safe Drinking Water Fund	<u>2,805,691</u>
Expense and Equipment From Soil and Water Sales Tax Fund	19,436
Personal Service	1,955,017
Expense and Equipment	<u>594,776</u>
From Solid Waste Management Fund	<u>2,549,793</u>
Personal Service	508,352
Expense and Equipment	122,249
From Solid Waste Management - Scrap Tire Subaccount	<u>630,601</u>
Personal Service	97,738
Expense and Equipment	<u>9,766</u>
From Underground Storage Tank Regulation Program Fund	<u>107,504</u>
Personal Service	934,716
Expense and Equipment	<u>81,676</u>
From Water and Wastewater Loan Fund	<u>1,016,392</u>

For funding environmental education and studies, demonstration projects, and technical assistance grants, provided that one-hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
From Department of Natural Resources Federal and Other Fund -0140.	999,812
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	750,000
For water infrastructure grants and loans, provided that \$333,529,824 be used solely to encumber funds for future fiscal year expenditures, provided that one-hundred percent (100%) flexibility is allowed between funds	
From Water and Wastewater Loan Fund.	190,528,640
From Water and Wastewater Loan Revolving Fund.	448,015,896
From Water Pollution Control (37E) Fund.	20,000
From Water Pollution Control (37G) Fund.	10,000
From Storm Water Control (37H) Fund.	10,000
From Storm Water Loan Revolving Fund	6,514,141
From Rural Water and Sewer Loan Revolving Fund	1,800,000
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	10,839,999
For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided that \$26,000,000 be used solely to encumber funds for future fiscal year expenditures, provided that one-hundred percent (100%) flexibility is allowed between funds	
From Department of Natural Resources Federal and Other Fund -0140.	37,500,000
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	2,700,000
For drinking water sampling, analysis, and public drinking water quality and treatment studies	
From Safe Drinking Water Fund.	599,852
For closure of concentrated animal feeding operations	
From Concentrated Animal Feeding Operation Indemnity Fund.	60,000
For grants and contracts for air pollution control activities, provided that \$4,400,000 be used solely to encumber funds for future fiscal year expenditures, provided that one-hundred percent (100%) flexibility is allowed between funds	
From Department of Natural Resources Federal and Other Fund -0140.	7,000,000
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	1,272,621
For the cleanup of leaking underground storage tanks	
From Department of Natural Resources Federal and Other Fund -0140.	420,000
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Hazardous Waste Fund	
From General Revenue Fund.	22,000

For the cleanup of hazardous waste or substances	
From Department of Natural Resources Federal and Other Fund -0140.	975,000
From Hazardous Waste Fund.	2,803,944
From Dry-cleaning Environmental Response Trust Fund.	350,000
For implementation provisions of the Solid Waste Management Law in accordance with Sections 260.250 through 260.345, RSMo	
From Solid Waste Management Fund	9,998,820
From Solid Waste Management Fund-Scrap Tire Subaccount	3,000,000
For Grants to Solid Waste Management Districts for funding of community-based reduce, reuse, and recycle grants Expense and Equipment	
From Solid Waste Management Fund	6,500,000
For funding all expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo	
Personal Service.	922E
Expense and Equipment	15,192E
From General Revenue Fund.	16,114
For funding all expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	100
Expense and Equipment	423,973
From Post-Closure Fund	424,073
For the receipt and expenditure of bond forfeiture funds for the reclamation of mined land	
From Mined Land Reclamation Fund	504,250
For the reclamation of mined lands under the provisions of Section 444.960, RSMo	
From Coal Mine Land Reclamation Fund	195,750
For the reclamation of abandoned mined lands	
From Department of Natural Resources Federal and Other Fund -0140.	3,732,500
For contracts for hydrologic studies to assist small coal operators to meet permit requirements	
From Department of Natural Resources Federal and Other Fund -0140.	10,000
For environmental emergency response	
From Federal Funds	50,000
From Hazardous Waste Fund.	150,000
For cleanup of controlled substances	

From Department of Natural Resources Federal and Other Fund -0140.	150,000
Total (Not to exceed 796.24 F.T.E.).	<u>\$783,732,158</u>

*I hereby veto \$128,914 general revenue for the Division of Environmental Quality satellite offices.

Personal Service by \$118,935 from \$3,786,662 to \$3,667,727 General Revenue Fund.
 Expense and Equipment by \$9,979 from \$682,246 to \$672,267 General Revenue Fund.
 From \$4,468,908 to \$4,339,994 in total from General Revenue Fund.
 From \$783,732,158 to \$783,603,244 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 6.230.— To the Department of Natural Resources
 For petroleum related activities and environmental emergency response

Personal Service.	\$707,195
Expense and Equipment.	<u>68,354</u>
From Petroleum Storage Tank Insurance Fund (Not to exceed 16.20 F.T.E.). . . .	<u>\$775,549</u>

SECTION 6.260.— To the Department of Natural Resources
 For the Missouri Geological Survey

Personal Service.	\$788,828
Expense and Equipment.	<u>223,280</u>
From General Revenue Fund.	<u>1,012,108</u>

For the Missouri Geological Survey, provided that one-hundred percent (100%)
 flexibility is allowed between funds and no flexibility is allowed between
 personal service and expense and equipment

Personal Service.	810,843
Expense and Equipment.	<u>309,108</u>
From Department of Natural Resources Federal and Other Fund -0140.	<u>1,119,951</u>

Personal Service From Natural Resources Revolving Services Fund.	7,240
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Personal Service.	498,463
Expense and Equipment.	<u>97,405</u>
From Groundwater Protection Fund	<u>595,868</u>

Personal Service.	14,156
Expense and Equipment.	<u>5,072</u>
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount.	19,228

Personal Service.	128,686
Expense and Equipment.	<u>9,480</u>
From Solid Waste Management Fund.	<u>138,166</u>

Personal Service.	151,552
Expense and Equipment.	<u>31,010</u>
From Hazardous Waste Fund.	<u>182,562</u>

Personal Service.	18,616
Expense and Equipment.	<u>1,384</u>
From Dry-Cleaning Environmental Response Trust Fund.	20,000

Personal Service.	16,330
Expense and Equipment.	<u>4,105</u>
From DNR Cost Allocation Fund.	20,435

Personal Service.	115,364
Expense and Equipment.	<u>18,270</u>
From Geologic Resources Fund	133,634

Personal Service.	7,259
Expense and Equipment.	<u>7,625</u>
From Oil and Gas Remedial Fund	14,884

For expense and equipment in accordance with the provisions of Section
259.190, RSMo

From Oil and Gas Remedial Fund.	<u>23,000</u>
Total (Not to exceed 61.37 F.T.E.).	\$3,287,076

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

For Personal Service.	\$124,376
For Expense and Equipment	<u>2,095,354</u>
From Petroleum Storage Tank Insurance Fund	2,219,730

For the purpose of investigating and paying claims obligations of the
Petroleum Storage Tank Insurance Fund

From Petroleum Storage Tank Insurance Fund	20,000,000
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For the purpose of funding the refunds of erroneously collected receipts

From Petroleum Storage Tank Insurance Fund.	<u>70,000</u>
Total (Not to exceed 2.00 F.T.E.).	\$22,289,730

SECTION 6.285.— To the Department of Natural Resources

For Missouri State Parks

For State Parks operations, provided that one-hundred percent (100%)
flexibility is allowed between funds and no flexibility is allowed
between personal service and expense and equipment

Personal Service.	\$173,263
Expense and Equipment.	<u>31,306</u>
From Department of Natural Resources Federal and Other Fund -0140.	204,569

Personal Service.	1,241,521
Expense and Equipment	<u>1,702,740</u>
From State Park Earnings Fund.	2,944,261

Personal Service.	885,369
Expense and Equipment.	<u>68,159</u>
From DNR Cost Allocation Fund.	953,528

Personal Service.....	19,780,178
Expense and Equipment	10,058,136
From Parks Sales Tax Fund.....	29,838,314

Personal Service.....	54,787
Expense and Equipment.....	75,000
From Babler State Park Fund.....	129,787

Expense and Equipment	
From Meramec-Onodaga State Parks Fund.....	5,586

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

From Department of Natural Resources Federal and Other Fund -0140.	11,750,000
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Levy District Payments.....	15,000
Payment in Lieu of Taxes.....	30,000
Bruce R. Watkins Center Expense and Equipment.....	100,000
From Parks Sales Tax Fund.....	145,000

Personal Services Parks Concession.....	100,000
Gifts to Parks.....	2,000,000
Parks Resale.....	1,000,000
Parks Concession.....	199,350
State Park Grants.....	250,000
From State Parks Earning Fund.....	3,549,350

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

From Park Sales Tax Fund.....	\$1E
Total (Not to exceed 661.21 F.T.E.).....	\$49,520,396

***SECTION 6.290.**— To the Department of Natural Resources
For Historic Preservation Operations, provided that one-hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$397,193
Expense and Equipment.....	50,026
From Department of Natural Resources Federal and Other Fund -0140.	447,219

Personal Service.....	197,888
Expense and Equipment.....	31,314
From Historic Preservation Revolving Fund.....	229,202

Personal Service.....	100,395
Expense and Equipment.....	10,853
From Economic Development Advancement Fund.....	111,248

For historic preservation grants and contracts, provided that one-hundred percent (100%) flexibility is allowed between funds

Expense and Equipment
From Department of Natural Resources Federal and Other Fund -0140. 600,000

Expense and Equipment
From Historic Preservation Revolving Fund. 1,837,243
Total (Not to exceed 17.25 F.T.E.). \$3,224,912

*I hereby veto \$30,000 Historic Preservation Revolving Fund for historic preservation grants and contracts.

Expense and Equipment by \$30,000 from \$1,837,243 to \$1,807,243 Historic Preservation Revolving Fund.
From \$3,224,912 to \$3,194,912 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 6.295.**— To the Department of Natural Resources
There is hereby transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Historic Preservation Revolving Fund
From General Revenue Fund. \$900,000

*I hereby veto \$180,000 general revenue for transfer to the Historic Preservation Revolving Fund.

From \$900,000 to \$720,000 from General Revenue Fund.
From \$900,000 to \$720,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 6.300.— To the Department of Natural Resources
For implementation of an integrated data system to manage and share
environmental and regulatory data, provided that fifty percent (50%)
flexibility is allowed between funds
From Department of Natural Resources Federal and Other Fund -0140. \$383,980
From Missouri Air Emission Reduction Fund 35,843
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount. . . 194,412
From Solid Waste Management - Scrap Tire Subaccount. 555
From Solid Waste Management Fund 10,420
From Metallic Minerals Waste Management Fund 320
From Petroleum Storage Tank Insurance Fund 47,396
From Underground Storage Tank Regulation Program Fund. 3,091
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount . . . 112,469
From Environmental Radiation Monitoring Fund 16,696
From Groundwater Protection Fund 84,646
From Hazardous Waste Fund. 45,629
From Safe Drinking Water Fund. 27,747
From Dry-Cleaning Environmental Response Trust Fund. 1,226
From Mined Land Reclamation Fund. 22,186
Total. \$986,616

SECTION 6.305.— To the Department of Natural Resources
For expenditures of payments received for damages to the state's natural

resources, provided that one-hundred percent (100%) flexibility is allowed between funds	
Expense and Equipment	
From Natural Resources Protection Fund.	\$6,057,917
Expense and Equipment	
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount.	100,000
Total.	\$6,157,917

SECTION 6.310.— To the Department of Natural Resources

Expense and Equipment	
From Department of Natural Resources Revolving Services Fund.	\$2,921,745

SECTION 6.315.— To the Department of Natural Resources

For the purpose of funding the refund of erroneously collected receipts, provided that one-hundred percent (100%) flexibility is allowed between funds	
From Department of Natural Resources Federal and Other Fund -0140.	\$9,445
From Abandoned Mined Reclamation Fund.	165
From Missouri Air Emission Reduction Fund.	15,988
From State Park Earnings Fund.	44,946
From DNR Cost Allocation Fund.	3,478
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount.	46,982
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount.	9,930
From Underground Storage Tank Regulation Program Fund.	4,965
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	62,082
From Ground Water Protection Fund.	3,165
From Safe Drinking Water Fund.	14,726
From Hazardous Waste Fund.	59,688
From Mined Land Reclamation Fund	9,930
From Geologic Resources Fund	400
From Dry-Cleaning Environmental Response Trust	4,000
From Natural Resources Revolving Services Fund	1,419
From Historic Preservation Revolving Fund.	165
From Parks Sales Tax Fund.	65,723
From Babler State Park Fund.	417
From Solid Waste Management-Scrap Tire Subaccount.	1,165
From Solid Waste Management Fund	1,165
From Metallic Minerals Waste Management Fund	165
From Water & Wastewater Loan Revolving Fund.	10,498
From Soil and Water Sales Tax Fund	329
From Water and Wastewater Loan Fund	165
From Coal Mine Land Reclamation Fund	165
From Confederate Memorial Park Fund.	165
From Concentrated Animal Feeding Operation Indemnity Fund.	450
From Storm Water Loan Revolving Fund	200
From Rural Water and Sewer Loan Revolving Fund	165
From Oil and Gas Remedial Fund	750
From Environmental Radiation Monitoring Fund.	250
Total.	\$373,246

SECTION 6.320.— To the Department of Natural Resources

For sales tax on retail sales, provided that one-hundred percent (100%)

flexibility is allowed between funds	
From State Park Earnings Fund	\$240,000
From Natural Resources Revolving Services Fund	10,000
Total	<u>\$250,000</u>

SECTION 6.330.— There is hereby transferred out of the State Treasury to the Department of Natural Resources Cost Allocation Fund for the department, for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services, provided that ten percent (10%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 2013 transfer, and Cost Allocation ITSD transfer

For Cost Allocation Transfer, provided that one-hundred percent (100%) flexibility is allowed between funds

From Geologic Resources Fund	\$12,718
From Solid Waste Management Fund	343,299
From Metallic Minerals Waste Management Fund	9,469
From Water and Wastewater Loan Fund	142,876
From State Park Earnings Fund	305,347
From Historic Preservation Revolving Fund	25,411
From Natural Resources Protection Fund	57,760
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount ..	575,986
From Solid Waste Management-Scrap Tire Subaccount	83,375
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount ..	33,907
From Petroleum Storage Tank Insurance Fund	104,067
From Underground Storage Tank Regulation Program Fund	14,771
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	784,777
From Parks Sales Tax Fund	3,004,310
From Soil and Water Sales Tax Fund	174,388
From Groundwater Protection Fund	63,609
From Hazardous Waste Fund	265,208
From Safe Drinking Water Fund	346,185
From Missouri Air Emission Reduction Fund	153,502
From Environmental Radiation Monitoring Fund	16,035
From Dry-Cleaning Environmental Response Trust Fund	15,370
Total Cost Allocation Transfer	<u>6,532,370</u>

For Cost Allocation Transfer, provided that one-hundred percent (100%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund	70,818
From State Park Earnings Fund	27,727
From Historic Preservation Revolving Fund	2,308
From Natural Resources Protection Fund	26,648
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount ..	264,851
From Solid Waste Management-Scrap Tire Subaccount	38,465
From Solid Waste Management Fund	151,608
From Metallic Minerals Waste Management Fund	4,369
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount ..	15,643
From Petroleum Storage Tank Insurance Fund	43,476
From Underground Storage Tank Regulation Program Fund	6,815
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	362,053

From Parks Sales Tax Fund	272,814
From Soil and Water Sales Tax Fund	44,119
From Groundwater Protection Fund	1,059
From Hazardous Waste Fund	113,702
From Safe Drinking Water Fund	159,711
From Dry-Cleaning Environmental Response Trust Fund	6,110
From Mined Land Reclamation Fund	34,508
From Geologic Resources Fund	212
From Water and Wastewater Loan Fund	65,915
From Environmental Radiation Monitoring Fund	7,397
Total Cost Allocation HB 2013-Transfer	<u>1,720,328</u>

For Cost Allocation ITSD Transfer, provided that one-hundred percent (100%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund	178,277
From State Park Earnings Fund	225,634
From Historic Preservation Revolving Fund	18,776
From Natural Resources Protection Fund	67,083
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount	671,057
From Solid Waste Management-Scrap Tire Subaccount	96,833
From Solid Waste Management Fund	414,902
From Metallic Minerals Waste Management Fund	10,998
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount	39,380
From Petroleum Storage Tank Insurance Fund	132,922
From Underground Storage Tank Regulation Program Fund	17,156
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount	911,448
From Parks Sales Tax Fund	2,220,027
From Soil and Water Sales Tax Fund	750,248
From Hazardous Waste Fund	328,705
From Safe Drinking Water Fund	402,063
From Dry-Cleaning Environmental Response Trust Fund	20,200
From Geologic Resources Fund	28,298
From Water and Wastewater Loan Fund	165,938
From Environmental Radiation Monitoring Fund	18,623
Total Cost Allocation ITSD Transfer	<u>6,718,568</u>
Total	\$14,971,266

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

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

SECTION 6.600.— To the Department of Conservation
For Personal Service and Expense and Equipment, including refunds; and for payments to counties for the unimproved value of land in lieu of property taxes for privately owned lands acquired by the Conservation

Commission after July 1, 1977, and for lands classified as forest crop lands, provided that one-hundred percent (100%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$84,219,522
Expense and Equipment.	<u>63,900,000</u>
From Conservation Commission Fund (Not to exceed 1,812.81 F.T.E.)	\$148,119,522

Department of Agriculture Totals

General Revenue Fund.	\$19,702,867
Federal Funds.	4,119,200
Other Funds.	<u>22,808,719</u>
Total.	\$46,630,786

Department of Natural Resources Totals

General Revenue Fund.	\$10,166,999
Federal Funds.	50,321,492
Other Funds.	<u>498,170,316</u>
Total.	\$558,658,807

Department of Conservation Totals

Other Funds.	\$148,119,522
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Approved June 24, 2014

HB 2007 [CCS SCS HCS HB 2007]

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

APPROPRIATIONS: DEPARTMENT OF ECONOMIC DEVELOPMENT; DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION; AND DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Economic Development shall employ no more than 69.69 full-time equivalent employees (FTE) from the General Revenue Fund, and further provided that the Department of Labor and Industrial Relations shall employ no more than 28.62 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department,

division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

SECTION 7.005.— To the Department of Economic Development
For general administration of Administrative Services, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$409,146
Annual salary adjustment in accordance with Section 105.005, RSMo	534
Expense and Equipment.....	<u>54,309</u>
From General Revenue Fund.....	463,989
Personal Service.....	1,102,728
Annual salary adjustment in accordance with Section 105.005, RSMo	465
Expense and Equipment.....	<u>422,468</u>
From Federal Funds.....	1,525,661
Personal Service.....	789,361
Annual salary adjustment in accordance with Section 105.005, RSMo	112
Expense and Equipment	<u>353,737</u>
For refunds.....	12,000
From Department of Economic Development Administrative Fund.....	<u>1,155,210</u>
Total (Not to exceed 38.31 F.T.E.).....	\$3,144,860

SECTION 7.010.— To the Department of Economic Development
Funds are to be transferred, for payment of administrative costs, to the
Department of Economic Development Administrative Fund

From Federal Funds.....	\$1,017,346
From Division of Tourism Supplemental Revenue Fund	162,974
From Energy Set-aside Program Fund	55,900
From Manufactured Housing Fund	16,114
From Public Service Commission Fund.....	390,799
From Missouri Arts Council Trust Fund.....	<u>41,233</u>
Total.....	\$1,684,366

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

Personal Service.....	\$110,634
Expense and Equipment.....	<u>19,160</u>
From General Revenue Fund.....	129,794
Personal Service.....	1,492,427
Expense and Equipment.....	<u>302,933</u>
From Federal Funds.....	1,795,360

For the Marketing Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds	
Personal Service.	181,256
Expense and Equipment	<u>1,377,651</u>
From General Revenue Fund.	<u>1,558,907</u>
Personal Service.	130,109
Expense and Equipment.	<u>9,638</u>
From Federal Funds	<u>139,747</u>
Personal Service	
From Department of Economic Development Administrative Fund.	44,316
Expense and Equipment	
From International Promotions Revolving Fund	1,402,238
For the Sales Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds	
Personal Service.	1,245,947
Expense and Equipment.	<u>157,520</u>
From General Revenue Fund.	<u>1,403,467</u>
Personal Service.	52,780
Expense and Equipment.	<u>2,721</u>
From Federal Funds	<u>55,501</u>
Personal Service	
From Department of Economic Development Administrative Fund.	6,911
For the Finance Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds	
Personal Service.	848,222
Expense and Equipment.	<u>197,818</u>
From General Revenue Fund.	<u>1,046,040</u>
Personal Service.	168,271
Expense and Equipment.	<u>35,403</u>
From Federal Funds	<u>203,674</u>
Personal Service.	43,249
Expense and Equipment.	<u>3,890</u>
From State Supplemental Downtown Development Fund.	<u>47,139</u>

For the Compliance Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds	
Personal Service	131,945
Expense and Equipment	26,341
From General Revenue Fund	158,286
Personal Service	485,843
Expense and Equipment	202,489
From Federal Funds	688,332
For the Small Business Regulatory Fairness Board	
Personal Service	48,834
Expense and Equipment	5,538
From General Revenue Fund	54,372
For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund	
From Economic Development Advancement Fund	1E
For International Trade and Investment Offices, provided that \$200,000 fund an office in Israel	
From General Revenue Fund	1,910,000
For business recruitment and marketing	
From Economic Development Advancement Fund	2,250,000
Total (Not to exceed 113.72 F.T.E.)	\$12,894,085

*I hereby veto \$254,372 general revenue, including \$54,372 for the Small Business Regulatory Fairness Board and \$200,000 for an international trade and investment office in Israel.

For the Small Business Regulatory Fairness Board.
 Personal Service by \$48,834 from \$48,834 to \$0 General Revenue Fund.
 Expense and Equipment by \$5,538 from \$5,538 to \$0 General Revenue Fund.
 From \$54,372 to \$0 in total from General Revenue Fund.

For International Trade and Investment Offices, provided that \$200,000 fund an office in Israel.
 From \$1,910,000 to \$1,710,000 from General Revenue Fund.
 From \$12,894,085 to \$12,639,713 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.020.—To the Department of Economic Development
 For an economic development incentives programs due diligence officer
 Personal Service
 From Federal Funds (Not to exceed 1.00 F.T.E.) \$50,731

***SECTION 7.025.**—To the Department of Economic Development
 For the response to, and analysis of, the impact of Missouri's military bases
 on the nation's military readiness and the state's economy

From General Revenue Fund. \$425,000

*I hereby veto \$125,000 general revenue for the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy.

From \$425,000 to \$300,000 from General Revenue Fund.

From \$425,000 to \$300,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.030.— To the Department of Economic Development
For the Missouri Technology Corporation, provided that all funds appropriated
to the Missouri Technology Corporation by the General Assembly shall be
subject to the provisions of Section 196.1127, RSMo

For administration and for science and technology development, including,
but not limited to, innovation centers and the Missouri Manufacturing
Extension Partnership. \$11,360,000

For early stage business grants. 4,500,000

For grants to not-for-profit organizations for soybean production research. 800,000

For grants to not-for-profit organizations to commercialize research related
to high oleic soybeans. 500,000

For grants to not-for-profit organizations to conduct applied research
related to the beef cattle industry and/or commercialize research
related to the beef cattle industry. 1,200,000

From Missouri Technology Investment Fund. \$18,360,000

SECTION 7.035.— Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Missouri Technology
Investment Fund

From General Revenue Fund. \$18,360,000

***SECTION 7.040.**— To the Department of Economic Development
For the Missouri Small Business and Technology Development Centers

From General Revenue Fund. \$700,000

*I hereby veto \$700,000 general revenue for the Missouri Small Business and Technology
Development Centers.

Said section is vetoed in its entirety from \$700,000 to \$0 from General Revenue Fund.

From \$700,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.045.— To the Department of Economic Development
For the Division of Business and Community Services
For Community Development Programs

From Federal Funds. \$70,000,000

***SECTION 7.046.**— To the Department of Economic Development
For rural regional development grants
From General Revenue Fund. \$200,000

*I hereby veto \$200,000 general revenue for rural regional development grants.

Said section is vetoed in its entirety from \$200,000 to \$0 from General Revenue Fund.
From \$200,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.050.— To the Department of Economic Development
For the State Small Business Credit Initiative
Expense and Equipment
From Federal Funds. \$9,386,222

SECTION 7.055.— To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Main Street Program
From Economic Development Advancement Fund. \$42,614
From Business Extension Service Team Fund. 40,000
Total. \$82,614

SECTION 7.060.— To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section
99.845, RSMo. This appropriation may be used for the following
projects: Kansas City Midtown, Independence Santa Fe Trail
Neighborhood, St. Louis City Convention Hotel, Cupples Station,
Springfield Jordan Valley Park, Kansas City Bannister Mall/Three
Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post
Office in Kansas City, 1200 Main Garage Project in Kansas City,
Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro,
Kansas City East Village Project, Joplin Disaster Area, and St. Louis
Innovation District. The presence of a project in this list is not an
indication said project is nor shall be approved for tax increment
financing. A listed project must have completed the application
process and a certificate of approval must have been issued
pursuant to Section 99.845 (10) RSMo, before a project may be
disbursed funds subject to the appropriation
From Missouri Supplemental Tax Increment Financing Fund. \$13,510,000

SECTION 7.065.— Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Missouri Supplemental
Tax Increment Financing Fund
From General Revenue Fund. \$13,510,000

SECTION 7.070.— To the Department of Economic Development
For the Missouri Downtown Economic Stimulus Act as provided in
Sections 99.915 to 99.980, RSMo
From State Supplemental Downtown Development Fund. \$1,200,000

SECTION 7.071.— There is transferred out of the State Treasury,
chargeable to the General Revenue Fund, such amounts generated

by development projects, as required by Section 99.963, RSMo,
to the State Supplemental Downtown Development Fund
From General Revenue Fund. \$1,246,442

SECTION 7.075.— To the Department of Economic Development
For the Downtown Revitalization Preservation Program as provided in
Sections 99.1080 to 99.1092, RSMo
From Downtown Revitalization Preservation Fund. \$200,000

SECTION 7.076.— There is transferred out of the State Treasury,
chargeable to the General Revenue Fund, such amounts generated
by redevelopment projects, as required by Section 99.1092, RSMo,
to the Downtown Revitalization Preservation Fund
From General Revenue Fund. \$200,000

SECTION 7.080.— To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Community Service Commission
Personal Service
From General Revenue Fund. \$34,337

Personal Service. 194,815
Expense and Equipment 3,750,000
From Federal Funds 3,944,815
Total (Not to exceed 5.00 F.T.E.). \$3,979,152

***SECTION 7.085.**— To the Department of Economic Development
For the Missouri State Council on the Arts
Personal Service. \$343,288
Expense and Equipment 632,514
From Federal Funds 975,802

Personal Service. 552,079
Expense and Equipment 9,043,414
From Missouri Arts Council Trust Fund. 9,595,493

For grants to public television and radio stations as provided in
Section 143.183, RSMo
From Missouri Public Broadcasting Corporation Special Fund 980,000

For the Missouri Humanities Council. 1,230,000

For a museum that commemorates the contributions of African-Americans
to the sport of baseball, provided that \$100,000 fund the Historical
Education Center. 250,000

For a redevelopment authority to support the history and art form of
American Jazz. 100,000
From Missouri Humanities Council Trust Fund. 1,580,000
Total (Not to exceed 15.00 F.T.E.). \$13,131,295

*I hereby veto \$360,000, including \$180,000 Missouri Public Broadcasting Corporation Special Fund for grants to public television and radio stations, and \$180,000 Missouri Humanities Council Trust Fund for the Missouri Humanities Council.

For grants to public television and radio stations as provided in Section 143.183, RSMo
From \$980,000 to \$800,000 from Missouri Public Broadcasting Corporation Special Fund.

For the Missouri Humanities Council.
From \$1,230,000 to \$1,050,000 from Missouri Humanities Council Trust Fund.
From \$13,131,295 to \$12,771,295 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 7.090.**— Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo
From General Revenue Fund. \$5,880,000

*I hereby veto \$1,080,000 general revenue for transfer to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo.

From \$5,880,000 to \$4,800,000 from General Revenue Fund.
From \$5,880,000 to \$4,800,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 7.095.**— Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo
From General Revenue Fund. \$980,000

*I hereby veto \$180,000 general revenue for transfer to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo.

From \$980,000 to \$800,000 from General Revenue Fund.
From \$980,000 to \$800,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 7.100.**— Funds are to be transferred out of the State Treasury, chargeable to the funds listed below, to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo
From General Revenue Fund. \$980,000

*I hereby veto \$530,000 general revenue for transfer to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo.

From \$980,000 to \$450,000 from General Revenue Fund.
From \$980,000 to \$450,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR



SECTION 7.105. — To the Department of Economic Development

For the Division of Workforce Development

For general administration of Workforce Development activities

Personal Service.	\$18,961,361
Expense and Equipment.	4,018,529
From Federal Funds	<u>22,979,890</u>

Personal Service.	383,490
Expense and Equipment.	81,389
From Missouri Works Job Development Fund	<u>464,879</u>

For the Show-Me Heroes Program

From Federal Funds 500,000

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

From General Revenue Fund.	200,000
Total (Not to exceed 476.72 F.T.E.).	<u>\$24,144,769</u>

SECTION 7.110. — To the Department of Economic Development

For the Certified Work Ready Community Program

From General Revenue Fund. \$400,000

For job training and related activities

From Special Employment Security Fund.	2,000,000
From Federal Funds	76,859,293

For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development

From Federal Funds.	15,000,000
Total.	<u>\$94,259,293</u>

***SECTION 7.115.** — To the Department of Economic Development
For funding new and expanding industry training programs and basic industry retraining programs

From Missouri Works Job Development Fund. \$16,102,235

*I hereby veto \$900,000 Missouri Works Job Development Fund for funding new and expanding industry training programs and basic industry retraining programs.

From \$16,102,235 to \$15,202,235 from Missouri Works Job Development Fund.

From \$16,102,235 to \$15,202,235 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 7.120.** — Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Works Job Development Fund

From General Revenue Fund. \$14,865,296

*I hereby veto \$900,000 general revenue for transfer to the Missouri Works Job Development Fund.

From \$14,865,296 to \$13,965,296 from General Revenue Fund.

From \$14,865,296 to \$13,965,296 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.125.— To the Department of Economic Development
For the Missouri Works Community College New Jobs Training Program
For funding training of workers by community college districts
From Missouri Works Community College New Jobs Training Fund. \$16,000,000

SECTION 7.130.— To the Department of Economic Development
For the Missouri Works Community College Job Retention Training Program
From Missouri Works Community College Job Retention Training Fund. . . . \$10,000,000

SECTION 7.135.— To the Department of Economic Development
For the Missouri Women's Council
Personal Service. \$57,030
Expense and Equipment. 12,765
From Federal Funds (Not to exceed 1.00 F.T.E.). \$69,795

SECTION 7.140.— To the Department of Economic Development
For the Missouri Film Office, provided that not more than ten percent (10%)
flexibility is allowed between personal service and expense and equipment
Personal Service. \$25,115
Expense and Equipment. 75,000
From Division of Tourism Supplemental Revenue Fund 100,115

For expenses related to hosting a major political convention in any home
rule city with more than four hundred thousand inhabitants and located
in more than one county, provided that no funds shall be expended
unless and until a home rule city with more than four hundred thousand
inhabitants and located in more than one county is selected to host a
major political convention
From General Revenue Fund. 5,000,000

For the Division of Tourism to include coordination of advertising of at
least \$70,000 for the Missouri State Fair
Personal Service. 1,668,799
Expense and Equipment 21,516,680
From Division of Tourism Supplemental Revenue Fund 23,185,479

Expense and Equipment
From Tourism Marketing Fund. 24,500
Total (Not to exceed 41.00 F.T.E.). \$28,310,094

SECTION 7.145.— Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Division of Tourism

Supplemental Revenue Fund
From General Revenue Fund \$22,573,443

SECTION 7.150.— To the Department of Economic Development
For the Division of Energy

Expense and Equipment
From General Revenue Fund \$14,610

For the Division of Energy, provided that one hundred percent (100%)
flexibility is allowed between funds and no flexibility is allowed
between personal service and expense and equipment

Personal Service 1,213,183
Expense and Equipment 490,125
From Federal Funds 1,703,308

Personal Service 458,058
Expense and Equipment 89,970
From Energy Set-Aside Program Fund 548,028

Personal Service
From Biodiesel Fuel Revolving Fund 3,572

Personal Service 205,557
Expense and Equipment 32,050
From Energy Futures Fund 237,607

For the purpose of funding the promotion of energy, renewable energy, and
energy efficiency

From Utilicare Stabilization Fund 100

For the purpose of funding the promotion of energy, renewable energy, and
energy efficiency, provided that \$30,000,000 be used solely to encumber
funds for future fiscal year expenditures

From Federal Funds 22,000,000
From Energy Set-Aside Program Fund 22,000,000
From Biodiesel Fuel Revolving Fund 25,000
From Missouri Alternative Fuel Vehicle Loan Fund 2,000
From Energy Futures Fund 5,100,000

For refunds

From Energy Set-Aside Program Fund 2,039
From Biodiesel Fuel Revolving Fund 165
From Missouri Alternative Fuel Vehicle Loan Fund 50
From Energy Futures Fund 4,500
Total (Not to exceed 37.00 F.T.E.) \$51,640,979

SECTION 7.155.— To the Department of Economic Development

For the Missouri Housing Development Commission

For general administration of affordable housing activities

For funding housing subsidy grants or loans

From Missouri Housing Trust Fund \$4,450,000

SECTION 7.160.— To the Department of Economic Development

For Manufactured Housing	
Personal Service	\$349,828
Expense and Equipment	354,466
For Manufactured Housing programs	20,000
For refunds	10,000
From Manufactured Housing Fund	<u>734,294</u>

For Manufactured Housing to pay consumer claims	
From Manufactured Housing Consumer Recovery Fund	192,000
Total (Not to exceed 8.00 F.T.E.)	<u>\$926,294</u>

SECTION 7.165.— To the Department of Economic Development

Funds are to be transferred out of the State Treasury, chargeable to the Manufactured Housing Fund, to the Manufactured Housing Consumer Recovery Fund	
From Manufactured Housing Fund	\$192,000

SECTION 7.170.— To the Department of Economic Development

For the Office of the Public Counsel, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service	\$753,858
Expense and Equipment	258,199
From Public Service Commission Fund (Not to exceed 14.00 F.T.E.)	<u>\$1,012,057</u>

SECTION 7.175.— To the Department of Economic Development

For the Public Service Commission	
For general administration of utility regulation activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service	\$10,614,789
Annual salary adjustment in accordance with Section 105.005, RSMo	3,670
Expense and Equipment	2,536,462
For refunds	10,000
From Public Service Commission Fund	<u>13,164,921</u>

For the Deaf Relay Service and Equipment Distribution Program	
From Deaf Relay Service and Equipment Distribution Program Fund	2,495,808

For promotion of energy, renewable energy, and energy efficiency	
Personal Service	18,384
Expense and Equipment	84,488
From Federal Stimulus - Natural Resources Fund	<u>102,872</u>
Total (Not to exceed 196.00 F.T.E.)	<u>\$15,763,601</u>

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

Professional Registration	
Personal Service	\$142,009
Expense and Equipment	<u>38,136</u>
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (Not to exceed 4.82 F.T.E.)	\$180,145

SECTION 7.405. — To the Department of Insurance, Financial Institutions and Professional Registration

Funds are to be transferred for administrative services to the Department of Insurance, Financial Institutions and Professional Registration Administrative Fund

From Division of Credit Unions Fund.	\$40,000
From Division of Finance Fund.	125,000
From Insurance Dedicated Fund.	35,000
From Professional Registration Fees Fund.	200,000
Total.	<u>\$400,000</u>

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

Personal Service.	\$466,212
Expense and Equipment.	64,511
From Federal Funds (Not to exceed 21.00 F.T.E.).	<u>\$530,723</u>

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

Funds are to be transferred out of federal funds, to the Insurance Dedicated Fund, for the purpose of administering federal grants

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

For Insurance Operations

Personal Service.	\$7,312,123
Expense and Equipment	1,933,449
From Insurance Dedicated Fund.	<u>9,245,572</u>

For consumer restitution payments

From Consumer Restitution Fund.	5,000
Total (Not to exceed 161.36 F.T.E.).	<u>\$9,250,572</u>

SECTION 7.425. — To the Department of Insurance, Financial Institutions and Professional Registration

For market conduct and financial examinations of insurance companies

Personal Service.	\$3,288,529
Expense and Equipment.	765,674
From Insurance Examiners Fund (Not to exceed 42.50 F.T.E.).	<u>\$4,054,203</u>

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

For refunds

From Insurance Examiners Fund.	\$60,000
From Insurance Dedicated Fund.	75,000
Total.	<u>\$135,000</u>

SECTION 7.435. — To the Department of Insurance, Financial Institutions and Professional Registration

For the purpose of funding programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries

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

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

Personal Service.	\$1,149,011
Expense and Equipment.	119,084
From Division of Credit Unions Fund (Not to exceed 15.50 F.T.E.).	<u>\$1,268,095</u>

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

Personal Service.	\$7,688,742
Expense and Equipment	880,241
For Out-of-State Examinations.	48,250
From Division of Finance Fund (Not to exceed 118.15 F.T.E.).	<u>\$8,617,233</u>

SECTION 7.450. — Funds are to be transferred out of the Division of Savings and Loan Supervision Fund, to the Division of Finance Fund, for the purpose of supervising state chartered savings and loan associations

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

From Residential Mortgage Licensing Fund.	\$700,000
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SECTION 7.460. — Funds are to be transferred out of the Division of Savings and Loan Supervision Fund, to the General Revenue Fund, in accordance with Section 369.324, RSMo

From Division of Savings and Loan Supervision Fund.	\$25,000
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SECTION 7.465. — To the Department of Insurance, Financial Institutions and Professional Registration
For general administration of the Division of Professional Registration

Personal Service.	\$3,412,185
Expense and Equipment	1,037,686
For examination and other fees	252,000
For refunds.	125,000
From Professional Registration Fees Fund	<u>4,826,871</u>

For a Professional Registration licensure system replacement

From Professional Registration board funds.	1,000,000
Total (Not to exceed 84.50 F.T.E.).	<u>\$5,826,871</u>

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

Personal Service.	\$287,922
Expense and Equipment.	<u>171,991</u>

From State Board of Accountancy Fund (Not to exceed 7.00 F.T.E.).	\$459,913
SECTION 7.475. — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects	
Personal Service.	\$388,688
Expense and Equipment.	<u>301,397</u>
From State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Fund (Not to exceed 10.00 F.T.E.).	\$690,085
SECTION 7.480. — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Chiropractic Examiners Expense and Equipment	
From State Board of Chiropractic Examiners' Fund.	\$131,820
SECTION 7.485. — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Cosmetology and Barber Examiners	
Expense and Equipment.	\$272,899
For criminal history checks.	<u>1,000</u>
From Board of Cosmetology and Barber Examiners Fund.	<u>\$273,899</u>
SECTION 7.490. — To the Department of Insurance, Financial Institutions and Professional Registration For the Missouri Dental Board	
Personal Service.	\$384,832
Expense and Equipment.	<u>237,475</u>
From Dental Board Fund (Not to exceed 8.50 F.T.E.).	<u>\$622,307</u>
SECTION 7.495. — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Embalmers and Funeral Directors Expense and Equipment	
From Board of Embalmers and Funeral Directors' Fund.	\$164,200
SECTION 7.500. — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Registration for the Healing Arts	
Personal Service.	\$1,855,912
Expense and Equipment.	<u>753,115</u>
From Board of Registration for Healing Arts Fund (Not to exceed 45.00 F.T.E.).	\$2,609,027
SECTION 7.505. — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Nursing	
Personal Service.	\$1,234,483
Expense and Equipment.	<u>577,518</u>
From State Board of Nursing Fund (Not to exceed 28.00 F.T.E.).	<u>\$1,812,001</u>

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

SECTION 7.515.— To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Pharmacy
Personal Service. \$954,923
Expense and Equipment 666,448
For criminal history checks. 5,000
From Board of Pharmacy Fund (Not to exceed 14.00 F.T.E.). \$1,626,371

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

SECTION 7.525.— To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Real Estate Commission
Personal Service. \$930,747
Expense and Equipment. 276,669
From Real Estate Commission Fund (Not to exceed 25.00 F.T.E.). \$1,207,416

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

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

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

SECTION 7.545.— Funds are to be transferred, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund
From any board funds. \$200,000

SECTION 7.550.— Funds are to be transferred, for the reimbursement of funds loaned for new licensing activity pursuant to Section 324.016, RSMo, to

the appropriate board fund
From Professional Registration Fees Fund. \$320,000

SECTION 7.800.— To the Department of Labor and Industrial Relations
For the Director and Staff

Expense and Equipment
From Unemployment Compensation Administration Fund. \$1,450,000

For the Director and Staff, provided that not more than ten percent (10%)

flexibility is allowed between personal service and expense and equipment
Personal Service. 2,600,977
Annual salary adjustment in accordance with Section 105.005, RSMo 802
Expense and Equipment. 1,411,970
From Department of Labor and Industrial Relations Administrative Fund. 4,013,749
Total (Not to exceed 49.90 F.T.E.). \$5,463,749

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

From General Revenue Fund. \$284,241
From Federal Funds 4,210,747
From Workers' Compensation Fund. 892,177
From Special Employment Security Fund. 100,000
Total. \$5,487,165

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

From General Revenue Fund. \$179,067
From Federal Funds 4,954,532
From Workers' Compensation Fund. 995,033
From Special Employment Security Fund. 230,531
Total. \$6,359,163

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

Personal Service. \$8,811
Expense and Equipment. 1,090
From General Revenue Fund. 9,901

For the Labor and Industrial Relations Commission, provided that not
more than ten percent (10%) flexibility is allowed between personal
service and expense and equipment

Personal Service. 432,251
Annual salary adjustment in accordance with Section 105.005, RSMo 1,101
Expense and Equipment. 54,166
From Unemployment Compensation Administration Fund. 487,518

Personal Service. 431,022
Annual salary adjustment in accordance with Section 105.005, RSMo 1,101

Expense and Equipment.	54,166
From Workers' Compensation Fund.	<u>486,289</u>
Total (Not to exceed 14.00 F.T.E.)	\$983,708

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

For Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$108,038
Expense and Equipment.	<u>30,717</u>
From General Revenue Fund.	138,755

Expense and Equipment	
From Federal Funds	32,670

For the Child Labor Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and the Wage and Hour Program	
Personal Service	
From General Revenue Fund.	45,978

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

For the Mine and Cave Inspection Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service	83,053
Expense and Equipment.	<u>11,083</u>
From General Revenue Fund.	94,136

Personal Service.	46,311
Expense and Equipment.	<u>7,400</u>
From Mine Inspection Fund	53,711

For the Prevailing Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and the Wage and Hour Program	
Personal Service.	303,572
Expense and Equipment.	<u>9,406</u>
From General Revenue Fund.	312,978

For the Wage and Hour Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment between the Child Labor Program, Prevailing Wage Program, and the Wage and Hour Program	
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Personal Service.	164,226
Expense and Equipment.	7,288
From General Revenue Fund.	<u>171,514</u>
Total (Not to exceed 16.50 F.T.E.).	\$1,029,192

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

For safety and health programs, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$702,116
Expense and Equipment.	<u>290,893</u>
From Federal Funds	993,009

Personal Service.	122,254
Expense and Equipment.	33,042
From Workers' Compensation Fund.	<u>155,296</u>
Total (Not to exceed 17.00 F.T.E.).	\$1,148,305

SECTION 7.830. — To the Department of Labor and Industrial Relations
For the Division of Labor Standards

For mine safety and health training programs, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$182,558
Expense and Equipment.	<u>165,081</u>
From Federal Funds	347,639

Personal Service.	72,445
Expense and Equipment.	<u>12,119</u>
From Workers' Compensation Fund.	84,564
Total (Not to exceed 5.50 F.T.E.).	\$432,203

SECTION 7.835. — To the Department of Labor and Industrial Relations
For the State Board of Mediation, provided that not more than ten percent (10%)
flexibility is allowed between personal service and expense and equipment

Personal Service.	\$110,955
Expense and Equipment.	<u>8,976</u>
From General Revenue Fund (Not to exceed 2.00 F.T.E.).	\$119,931

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

For the purpose of funding Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	\$8,530,379
Expense and Equipment.	<u>6,262,359</u>

Funds are to be transferred from the Workers' Compensation Fund pursuant to Section 173.258, RSMo to the Kids' Chance Scholarship Fund.	50,000
From Workers' Compensation Fund.	<u>14,842,738</u>

Expense and Equipment

From Tort Victims' Compensation Fund.	4,836
Total (Not to exceed 154.25 F.T.E.).	<u>\$14,847,574</u>

SECTION 7.845. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payment of special claims
From Workers' Compensation - Second Injury Fund. \$90,132,000

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

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

SECTION 7.860. — Funds are to be transferred out of the State Treasury,
chargeable to the General Revenue Fund, to the Line of Duty
Compensation Fund
From General Revenue Fund. \$450,000

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

SECTION 7.870. — Funds are to be transferred pursuant to Section 537.675,
RSMo, to the Basic Civil Legal Services Fund
From Tort Victims' Compensation Fund. \$351,351

SECTION 7.875. — To the Department of Labor and Industrial Relations
For the Division of Employment Security
Personal Service. \$23,414,267
Expense and Equipment. 8,247,871
From Unemployment Compensation Administration Fund. 31,662,138

Personal Service.	690,531
Expense and Equipment.	<u>16,143</u>
From Unemployment Automation Fund.	706,674
Total (Not to exceed 519.21 F.T.E.).	<u>\$32,368,812</u>

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

SECTION 7.885.— To the Department of Labor and Industrial Relations
For the Division of Employment Security

Personal Service.	\$548,914
Expense and Equipment	6,500,000
For interest payments.	10,000,001
From Special Employment Security Fund (Not to exceed 15.00 F.T.E.).. . . .	<u>\$17,048,915</u>

SECTION 7.890.— To the Department of Labor and Industrial Relations
For the Division of Employment Security

For the War on Terror Unemployment Compensation Program	
Expense and Equipment.	\$45,000
For payment of benefits.	45,000
From War on Terror Unemployment Compensation Fund.	<u>\$90,000</u>

SECTION 7.895.— To the Department of Labor and Industrial Relations
For the Division of Employment Security

For the payment of refunds set off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund.	\$5,000,000

SECTION 7.900.— To the Department of Labor and Industrial Relations
For the Missouri Commission on Human Rights, provided that not more
than ten percent (10%) flexibility is allowed between personal service
and expense and equipment

Personal Service.	\$510,555
Expense and Equipment.	16,338
From General Revenue Fund.	<u>526,893</u>

Personal Service.	928,082
Expense and Equipment.	202,984
From Human Rights Commission Fund.	<u>1,131,066</u>

For the Martin Luther King, Jr. State Celebration Commission

From General Revenue Fund.	30,086
From Martin Luther King, Jr. State Celebration Commission Fund.	5,000
Total (Not to exceed 32.70 F.T.E.).. . . .	<u>\$1,693,045</u>

Department of Economic Development Totals

General Revenue Fund.	\$92,293,983
Federal Funds.	215,981,003
Other Funds.	66,479,076
Total.	<u>\$374,754,062</u>

Department of Insurance, Financial Institutions & Professional Registration Totals

Federal Funds.	\$1,780,723
Other Funds.	39,025,593
Total.	<u>\$40,806,316</u>

Department of Labor & Industrial Relations Totals

General Revenue Fund.	\$2,363,480
Federal Funds.	56,269,319
Other Funds.	127,007,214
Total.	<u>\$185,640,013</u>

Approved June 24, 2014

HB 2008 [CCS SCS HCS HB 2008]

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

APPROPRIATIONS: DEPARTMENT OF PUBLIC SAFETY

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that the Department of Public Safety shall employ no more than 483.93 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2014 and ending June 30, 2015, as follows:

SECTION 8.005.—To the Department of Public Safety

For the Office of the Director

Personal Service.	\$730,300
Annual salary adjustment in accordance with Section 105.005, RSMo	649
Expense and Equipment.	146,160
From General Revenue Fund.	877,109

Personal Service.	751,512
Expense and Equipment.	829,406
From Federal Funds	1,580,918

Personal Service.	69,688
Expense and Equipment.	15,042
From Services to Victims Fund.	84,730

Personal Service.	456,064
Expense and Equipment.	1,453,268
From Crime Victims' Compensation Fund.	1,909,332

Personal Service.	73,508
Expense and Equipment.	428,000
From MO Data Exchange Fund	501,508

Expense and Equipment	
From Antiterrorism Fund.	10,000

Expense and Equipment	
From MO Crime Prevention Information & Programming Fund.	1,000

Personal Service	2,010,272
Expense and Equipment.....	36,000,000
From Department of Public Safety Federal Homeland Security Fund.	<u>38,010,272</u>

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

From Federal Funds	5,000,000
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For drug task force grants, provided that not more than three percent (3%) is used for grant administration.

From General Revenue Fund.....	1,500,000
Total (Not to exceed 70.80 F.T.E.).....	<u>\$49,474,869</u>

***SECTION 8.010.**— To the Department of Public Safety
For the Office of the Director
For the Juvenile Justice Delinquency Prevention Program

From Federal Funds.	\$1,240,042
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For the purpose of funding two (2) non-profit pilot alternative schools to be accredited by the North Central Association of Colleges and Schools (NCACS) and listed on the Substance Abuse and Mental Health Services Administration (SAMSHA) national registry of evidence based programs and practices for improving academic achievement of at-risk students and reducing delinquent behavior; one school to be located within a city not within a county and one school to be located in a home rule city with more than one-hundred and eight thousand, but less than one-hundred and sixteen thousand inhabitants

From General Revenue Fund.....	1,000,000
Total.	<u>\$2,240,042</u>

*I hereby veto \$1,000,000 general revenue for the purpose of funding two (2) non-profit pilot alternative schools.

From \$1,000,000 to \$0 from General Revenue Fund.
From \$2,240,042 to \$1,240,042 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 8.015.— To the Department of Public Safety
For the Office of the Director
For the Juvenile Accountability Incentive Block Grant Program

From Federal Funds.	\$696,000
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SECTION 8.020.— To the Department of Public Safety
For the Office of the Director
For the Narcotics Control Assistance Program and multi-jurisdictional task forces

From Federal Funds.	\$4,680,000
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*SECTION 8.025. — To the Department of Public Safety	
For the Office of the Director	
For the Missouri Sheriff Methamphetamine Relief Taskforce	
For supplementing deputy sheriffs' salary and related employment benefits pursuant to Section 57.278, RSMo	
From Deputy Sheriff Salary Supplementation Fund.	\$5,400,000
For the purpose of purchasing a secure web-based software and content service to provide emergency preparedness plans for all Missouri schools. Plans will be continuously updated and made available to authorized emergency personnel in the local public safety agencies that serve each school	
From General Revenue Fund.	4,100,000
For the purpose of funding grants related to the issuance of the conceal and carry permits	
From General Revenue Fund.	650,000
Total.	\$10,150,000

*I hereby veto \$4,100,000 general revenue for the purpose of purchasing a secure web-based software and content service to provide emergency preparedness plans for all Missouri schools.

From \$4,100,000 to \$0 from General Revenue Fund.
From \$10,150,000 to \$6,050,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 8.030. — To the Department of Public Safety	
For the Office of the Director	
For operating grants to local law enforcement cyber crimes task forces, provided that not more than three percent (3%) is used for grant administration	
From General Revenue Fund.	\$1,500,000

SECTION 8.035. — To the Department of Public Safety	
For the Office of the Director	
For the Services to Victims Program provided up to three percent (3%) of each grant award be allowed for the administrative expenses of each grantee	
From Services to Victims Fund.	\$3,950,000

For counseling and other support services for crime victims	
From Crime Victims' Compensation Fund.	50,000
Total.	\$4,000,000

SECTION 8.040. — To the Department of Public Safety	
For the Office of the Director	
For the Victims of Crime Program	
From Federal Funds.	\$9,000,000

SECTION 8.045. — To the Department of Public Safety	
For the Office of the Director	
For the Violence Against Women Program.	\$2,494,232

For training law enforcement personnel regarding issues related to human trafficking.	100,000
From Federal Funds.	<u>\$2,594,232</u>

***SECTION 8.050.**— To the Department of Public Safety
For the Office of the Director
For the Crime Victims' Compensation Program

From General Revenue Fund.	\$1,600,000
From Federal Funds	3,400,000
From Crime Victims' Compensation Fund.	<u>4,837,329</u>

For reimbursing SAFE-Care providers for performing forensic medical exams
on children suspected of having been physically abused

From General Revenue Fund.	1,452,000
Total.	<u>\$11,289,329</u>

*I hereby veto \$1,452,000 general revenue for reimbursing SAFE-Care providers for performing forensic medical exams on children suspected of having been physically abused.

From \$1,452,000 to \$0 from General Revenue Fund.

From \$11,289,329 to \$9,837,329 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 8.055.— To the Department of Public Safety
For the National Forensic Sciences Improvement Act Program

From Federal Funds.	\$225,000
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SECTION 8.060.— To the Department of Public Safety
For the State Forensic Laboratory Program

From State Forensic Laboratory Fund.	\$399,200
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SECTION 8.065.— To the Department of Public Safety
For the Office of the Director
For the Residential Substance Abuse Treatment Program

From Federal Funds.	\$600,000
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SECTION 8.070.— To the Department of Public Safety
For the Office of the Director
For peace officer training

From Peace Officer Standards and Training Commission Fund.	\$1,400,000
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SECTION 8.075.— To the Department of Public Safety
For the Capitol Police

Personal Service.	\$1,273,727
Expense and Equipment.	84,796
From General Revenue Fund (Not to exceed 32.00 F.T.E.).	<u>\$1,358,523</u>

SECTION 8.080.— To the Department of Public Safety
For the State Highway Patrol
For Administration

Personal Service.	\$249,551
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Expense and Equipment	3,361
From General Revenue Fund	<u>252,912</u>
Personal Service	5,751,465
Expense and Equipment	<u>422,589</u>
From State Highways and Transportation Department Fund	6,174,054
Personal Service	
From Criminal Record System Fund	41,602
Personal Service	34,012
Expense and Equipment	<u>4,802</u>
From Gaming Commission Fund	38,814
Personal Service	
From Missouri State Water Patrol Fund.	96,240
For the High-Intensity Drug Trafficking Area Program	
From Federal Funds	<u>2,644,949</u>
Total (Not to exceed 115.00 F.T.E.)	<u>\$9,248,571</u>
*SECTION 8.085. — To the Department of Public Safety	
For the State Highway Patrol	
For fringe benefits, including retirement contributions for members of	
the Missouri Department of Transportation and Highway Patrol	
Employees' Retirement System, and insurance premiums	
Personal Service	\$12,057,383E
Expense and Equipment	<u>958,032E</u>
From General Revenue Fund	13,015,415
Personal Service	3,798,616E
Expense and Equipment	<u>156,492E</u>
From Federal Funds	3,955,108
Personal Service	364,319E
Expense and Equipment	<u>297,095E</u>
From Gaming Commission Fund	661,414
Personal Service	1,233,829E
Expense and Equipment	<u>103,080E</u>
From Missouri State Water Patrol Fund.	1,336,909
Personal Service	75,556,604E
Expense and Equipment	<u>6,386,801E</u>
From State Highways and Transportation Department Fund	81,943,405
Personal Service	3,235,290E
Expense and Equipment	<u>257,608E</u>
From Criminal Record System Fund	3,492,898
Personal Service	82,252E
Expense and Equipment	<u>6,427E</u>

From Highway Patrol Academy Fund	88,679
Personal Service	4,656E
Expense and Equipment	<u>634E</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund	5,290
Personal Service	52,710E
Expense and Equipment	<u>6,026E</u>
From DNA Profiling Analysis Fund	58,736
Personal Service	57,260E
Expense and Equipment	<u>4,993E</u>
From Highway Patrol Traffic Records Fund	62,253
Personal Service	74,528E
Expense and Equipment	<u>7,554E</u>
From Highway Patrol Inspection Fund	<u>82,082</u>
Total	<u>\$104,702,189</u>

*I hereby veto \$357,320 general revenue for fringe benefits for the Independence Crime Lab.

Personal Service by \$357,320 from \$12,057,383E to \$11,700,063E General Revenue Fund.
From \$13,015,415 to \$12,658,095 in total from General Revenue Fund.
From \$104,702,189 to \$104,344,869 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 8.090.— To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program

Personal Service	\$10,160,210
Expense and Equipment	<u>988,588</u>
From General Revenue Fund	11,148,798

Personal Service	68,270,858
Expense and Equipment	<u>5,636,631</u>
From State Highways and Transportation Department Fund	73,907,489

Expense and Equipment

All expenditures must be in compliance with the United States Department of Justice

Equitable Sharing Program guidelines

From Federal Drug Seizure Fund	1,043,448
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Personal Service

From Criminal Record System Fund	109,792
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Expense and Equipment

From Gaming Commission Fund	357,488
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Personal Service	7,846
Expense and Equipment	<u>361,625</u>

From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund	369,471
Personal Service	
From Missouri State Water Patrol Fund.	85,629
Expense and Equipment	
From Highway Patrol Traffic Records Fund.	245,242
For receiving and expending grants, donations, contracts, and payments from private, federal, and other government agencies provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds	
Personal Service	5,182,230
Expense and Equipment.	5,852,940
From Federal Funds	11,035,170
For the statewide interoperable communication system	
From State Highways and Transportation Department Fund.	9,100,000
Total (Not to exceed 1,292.50 F.T.E.).	\$107,402,527
*SECTION 8.095. — To the Department of Public Safety	
For the State Highway Patrol	
For the Water Patrol Division	
Personal Service.	\$3,377,407
Expense and Equipment.	387,251
From General Revenue Fund.	3,764,658
Personal Service	272,730
Expense and Equipment.	2,226,991
From Federal Funds	2,499,721
Expense and Equipment	
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund	16,499
Personal Service	1,586,350
Expense and Equipment.	590,000
From Missouri State Water Patrol Fund.	2,176,350
Total (Not to exceed 84.00 F.T.E.).	\$8,457,228

*I hereby veto \$160,000 general revenue for the Water Patrol Division for defibrillators for boats.

Expense and Equipment by \$160,000 from \$387,251 to \$227,251 General Revenue Fund.
From \$3,764,658 to \$3,604,658 in total from General Revenue Fund.
From \$8,457,228 to \$8,297,228 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 8.100.— To the Department of Public Safety

For the State Highway Patrol

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

From General Revenue Fund.....	\$448,547
From Gaming Commission Fund.....	775,366
From State Highways and Transportation Department Fund.....	6,313,699
Total.....	<u>\$7,537,612</u>

SECTION 8.105.— To the Department of Public Safety

For the State Highway Patrol

For purchase of vehicles, aircraft, and watercraft for the State Highway
Patrol and the Gaming Commission in accordance with Section
43.265, RSMo, also for maintenance and repair costs for vehicles,
provided the Commissioner of Administration shall perform a cost
benefit analysis to determine the optimal mileage at which to purchase
new highway patrol cars. Such analysis shall include but not be limited
to depreciation, longevity of the vehicle as designed by the manufacturer
as well as other relevant factors. Such report shall be delivered to the
House Budget Chairman and the Senate Appropriations Chairman by
January 1, 2015

Expense and Equipment	
From General Revenue Fund.....	\$600,000
From State Highways and Transportation Department Fund.....	4,818,182
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund.....	7,713,448
From Gaming Commission Fund.....	549,074
Total.....	<u>\$13,680,704</u>

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

For the State Highway Patrol

For Crime Labs

Personal Service.....	\$2,546,660
Expense and Equipment.....	961,393
From General Revenue Fund.....	<u>3,508,053</u>

Personal Service.....	3,782,425
Expense and Equipment.....	909,249
From State Highways and Transportation Department Fund.....	<u>4,691,674</u>

Personal Service.....	63,042
Expense and Equipment.....	1,478,305
From DNA Profiling Analysis Fund.....	<u>1,541,347</u>

Personal Service.....	117,157
Expense and Equipment.....	900,000
From Federal Funds.....	<u>1,017,157</u>

Personal Service.....	186,052
Expense and Equipment.....	2,575
From Criminal Record System Fund.....	<u>188,627</u>

Expense and Equipment	
From State Forensic Laboratory Fund.	292,024
Total (Not to exceed 116.00 F.T.E.).	<u>\$11,238,882</u>

*I hereby veto \$942,680, including \$921,571 general revenue for the Independence Crime Lab.

Personal Service by \$401,664 from \$2,546,660 to \$2,144,996 General Revenue Fund.
Expense and Equipment by \$519,907 from \$961,393 to \$441,486 General Revenue Fund.
From \$3,508,053 to \$2,586,482 in total from General Revenue Fund.

Expense and Equipment by \$21,109 from \$292,024 to \$270,915 State Forensic Laboratory Fund.
From \$11,238,882 to \$10,296,202 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 8.115. — To the Department of Public Safety
For the State Highway Patrol
For the Law Enforcement Academy

Personal Service	
From General Revenue Fund.	\$79,362

Expense and Equipment	
From Federal Funds	59,655

Personal Service	170,373
Expense and Equipment.	<u>79,440</u>
From Gaming Commission Fund.	249,813

Personal Service	1,295,111
Expense and Equipment.	<u>73,576</u>
From State Highways and Transportation Department Fund	1,368,687

Personal Service	99,932
Expense and Equipment.	<u>581,717</u>
From Highway Patrol Academy Fund.	681,649
Total (Not to exceed 35.00 F.T.E.).	<u>\$2,439,166</u>

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 8.120. — To the Department of Public Safety
For the State Highway Patrol
For Vehicle and Driver Safety

Expense and Equipment	
From Federal Funds.	\$350,000

Personal Service	10,807,996
Expense and Equipment.	<u>1,039,555</u>
From State Highways and Transportation Department Fund	11,847,551

Personal Service	125,573
Expense and Equipment.	<u>360,632</u>

From Highway Patrol Inspection Fund.	486,205
Total (Not to exceed 299.00 F.T.E.).	<u>\$12,683,756</u>

SECTION 8.125. — To the Department of Public Safety
 For the State Highway Patrol
 For refunding unused motor vehicle inspection stickers
 From State Highways and Transportation Department Fund. \$100,000

SECTION 8.130. — To the Department of Public Safety
 For the State Highway Patrol
 For Technical Services
 Personal Service. \$589,233
 Expense and Equipment. 537,222
 From General Revenue Fund. 1,126,455

 Personal Service 469,368
 Expense and Equipment. 4,995,285
 From Federal Funds 5,464,653

 Personal Service 13,725,678
 Expense and Equipment. 13,500,001
 From State Highways and Transportation Department Fund 27,225,679

 Personal Service 3,672,430
 Expense and Equipment. 4,050,243
 National Criminal Record Reviews. 2,500,000
 From Criminal Record System Fund 10,222,673

 Personal Service
 From Gaming Commission Fund. 21,008

 Personal Service
 From Highway Patrol Traffic Records Fund. 77,148

 Expense and Equipment
 From Criminal Justice Network and Technology Revolving Fund. 2,699,050

For an interface between the Missouri Uniform Law Enforcement
 System (MULES) and the Amber Alert System
 From Criminal Justice Network and Technology Revolving Fund. 120,000
 Total (Not to exceed 378.00 F.T.E.). \$46,956,666

SECTION 8.135. — To the Department of Public Safety
 For the State Highway Patrol
 For the recoupment, receipt, and disbursement of funds for equipment
 replacement, and expenses
 Expense and Equipment
 From Highway Patrol Expense Fund. \$65,000

SECTION 8.140. — Funds are to be transferred out of the State Treasury,
 chargeable to the Highway Patrol Inspection Fund, to the State Road
 Fund pursuant to Section 307.365, RSMo

From Highway Patrol Inspection Fund.	\$2,000,000
SECTION 8.145. — To the Department of Public Safety	
For the Division of Alcohol and Tobacco Control	
Personal Service.	\$751,892
Expense and Equipment.	<u>87,492</u>
From General Revenue Fund.	839,384
Personal Service	101,563
Expense and Equipment.	<u>63,442</u>
From Federal Funds.	165,005
Personal Service	111,968
Expense and Equipment.	<u>33,046</u>
From Healthy Families Trust Fund.	145,014
Total (Not to exceed 19.00 F.T.E.).	<u>\$1,149,403</u>
SECTION 8.150. — To the Department of Public Safety	
For the Division of Alcohol and Tobacco Control	
For refunds for unused liquor and beer licenses and for liquor and beer stamps not used and canceled	
From General Revenue Fund.	\$55,000
SECTION 8.155. — To the Department of Public Safety	
For the Division of Fire Safety, provided not more than five percent (5%) flexibility is allowed from personal service to expense and equipment and no flexibility is allowed from expense and equipment to personal service for all funds in this section	
Personal Service.	\$2,115,756
Expense and Equipment.	<u>210,217</u>
From General Revenue Fund.	2,325,973
Personal Service	385,901
Expense and Equipment.	<u>60,153</u>
From Elevator Safety Fund.	446,054
Personal Service	384,984
Expense and Equipment.	<u>53,545</u>
From Boiler and Pressure Vessels Safety Fund	438,529
Personal Service	85,625
Expense and Equipment.	<u>14,242</u>
From Missouri Explosives Safety Act Administration Fund.	99,867
Total (Not to exceed 69.92 F.T.E.).	<u>\$3,310,423</u>
SECTION 8.160. — To the Department of Public Safety	
For the Division of Fire Safety	
For the Fire Safe Cigarette Program	
Personal Service.	\$20,494
Expense and Equipment.	<u>10,204</u>
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund.	\$30,698

SECTION 8.165. — To the Department of Public Safety

For the Division of Fire Safety

For firefighter training contracted services

Expense and Equipment

From General Revenue Fund.....	\$400,000
From Chemical Emergency Preparedness Fund.....	100,000
From Fire Education Fund.....	320,000
Total.....	<u>\$820,000</u>

SECTION 8.170. — To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

Personal Service..... \$3,540,364

Expense and Equipment..... 1,307,855

From Veterans Commission Capital Improvement Trust Fund..... 4,848,219

Personal Service..... 520,632

Expense and Equipment..... 131,588

From Missouri Veterans' Homes Fund..... 652,220

Expense and Equipment

From Veterans' Trust Fund..... 23,832Total (Not to exceed 114.46 F.T.E.)..... \$5,524,271**SECTION 8.171.** — To the Department of Public Safety

For the Missouri Veterans' Commission

For the restoration, renovation and maintenance of a

World War I memorial

From World War I Memorial Trust Fund..... \$150,000

SECTION 8.175. — To the Department of Public Safety

For the Missouri Veterans' Commission

For Veterans' Service Officer Program

From Veterans Commission Capital Improvement Trust Fund..... \$1,600,000

SECTION 8.180. — To the Department of Public Safety

For the Missouri Veterans' Commission

For Missouri Veterans' Homes

Expense and Equipment

From General Revenue Fund..... \$8,000,000

Personal Service..... 51,939,858

Expense and Equipment..... 22,118,246

From Missouri Veterans' Homes Fund..... 74,058,104

Expense and Equipment

From Veterans' Trust Fund..... 49,980

Personal Service

From Veterans Commission Capital Improvement Trust Fund..... 28,992

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

For paying overtime to state employees. Non-exempt state employees
 identified by Section 105.935, RSMo, will be paid first with any
 remaining funds being used to pay overtime to any other state employees
 From Missouri Veterans' Homes Fund. 1,564,438
 Total (Not to exceed 1,639.48 F.T.E.) \$84,975,914

SECTION 8.185.— Funds are to be transferred out of the State Treasury,
 chargeable to the Veterans Commission Capital Improvement Trust
 Fund, to the Missouri Veterans' Homes Fund
 From Veterans Commission Capital Improvement Trust Fund. \$30,000,000

SECTION 8.190.— To the Department of Public Safety
 For the Gaming Commission
 For the Divisions of Gaming and Bingo
 Personal Service. \$14,315,963
 Expense and Equipment. 1,726,519
 From Gaming Commission Fund. 16,042,482

Expense and Equipment
 From Compulsive Gamblers Fund. 56,310
 Total (Not to exceed 239.00 F.T.E.) \$16,098,792

SECTION 8.195.— To the Department of Public Safety
 For the Gaming Commission
 For fringe benefits, including retirement contributions for members of
 the Missouri Department of Transportation and Highway Patrol
 Employees' Retirement System, and insurance premiums for State
 Highway Patrol employees assigned to work under the direction
 of the Gaming Commission
 Personal Service. \$6,605,754E
 Expense and Equipment. 267,317E
 From Gaming Commission Fund. \$6,873,071

SECTION 8.200.— To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount that is
 credited to the Gaming Commission Fund
 From Gaming Commission Fund. \$100,000

SECTION 8.205.— To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount received
 for bingo fees
 From Bingo Proceeds for Education Fund. \$5,000

SECTION 8.210.— To the Department of Public Safety
 For the Gaming Commission
 For breeder incentive payments
 From Missouri Breeders Fund. \$5,000

SECTION 8.215. — Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Veterans Commission Capital Improvement Trust Fund	
From Gaming Commission Fund.....	\$32,000,000
SECTION 8.220. — Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Missouri National Guard Trust Fund	
From Gaming Commission Fund.....	\$4,000,000
SECTION 8.225. — Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Access Missouri Financial Assistance Fund	
From Gaming Commission Fund.....	\$5,000,000
SECTION 8.230. — Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Compulsive Gamblers Fund	
From Gaming Commission Fund.....	\$489,850
SECTION 8.235. — To the Adjutant General For Missouri Military Forces Administration	
Personal Service.....	\$1,027,096
Expense and Equipment.....	125,133
From General Revenue Fund.....	<u>1,152,229</u>
Expense and Equipment	
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund.....	<u>120,000</u>
Total (Not to exceed 29.48 F.T.E.).....	<u>\$1,272,229</u>
SECTION 8.240. — To the Adjutant General For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program	
Expense and Equipment	
From General Revenue Fund.....	\$1,766,802
Personal Service.....	1,259,315
Expense and Equipment.....	<u>3,226,247</u>
From Missouri National Guard Trust Fund.....	<u>4,485,562</u>
Total (Not to exceed 42.40 F.T.E.).....	<u>\$6,252,364</u>
SECTION 8.245. — To the Adjutant General For the Veterans Recognition Program	
Personal Service.....	\$92,889
Expense and Equipment.....	<u>136,732</u>
From Veterans Commission Capital Improvement Trust Fund (Not to exceed 3.00 F.T.E.).....	\$229,621

SECTION 8.250.— To the Adjutant General

For Missouri Military Forces Field Support

Personal Service	\$691,628
Expense and Equipment	<u>1,602,217</u>
From General Revenue Fund	2,293,845

Personal Service	99,352
Expense and Equipment	<u>98,417</u>
From Federal Funds	197,769
Total (Not to exceed 40.37 F.T.E.)	<u>\$2,491,614</u>

SECTION 8.255.— To the Adjutant General

For operational expenses at armories from armory rental fees

Expense and Equipment From Adjutant General Revolving Fund	\$25,000
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SECTION 8.260.— To the Adjutant General

For the Missouri Military Family Relief Program

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

SECTION 8.265.— To the Adjutant General

For training site operating costs

Expense and Equipment From Missouri National Guard Training Site Fund	\$330,000
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SECTION 8.270.— To the Adjutant General

For Military Forces Contract Services

Personal Service	\$431,320
Expense and Equipment	<u>19,773</u>
From General Revenue Fund	451,093

Personal Service	12,378,249
Expense and Equipment	<u>11,605,375</u>
From Federal Funds	23,983,624

Personal Service From Missouri National Guard Training Site Fund	19,964
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Expense and Equipment From Missouri National Guard Trust Fund	673,925
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For refund of federal overpayments to the state for the Contract Services

Program

From Federal Funds	<u>865,561</u>
Total (Not to exceed 327.80 F.T.E.)	<u>\$25,994,167</u>

***SECTION 8.275.**— To the Adjutant General

For the Office of Air Search and Rescue

Expense and Equipment

From General Revenue Fund. \$13,501

*I hereby veto \$2,000 general revenue for the Office of Air Search and Rescue.

Expense and Equipment by \$2,000 from \$13,501 to \$11,501 General Revenue Fund.
From \$13,501 to \$11,501 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 8.280.— To the Department of Public Safety

For the State Emergency Management Agency
For Administration and Emergency Operations

Personal Service.	\$1,251,987
Expense and Equipment.	202,974
From General Revenue Fund.	<u>1,454,961</u>

Personal Service	2,675,430
Expense and Equipment.	978,007
From Federal Funds	<u>3,653,437</u>

Personal Service	158,637
Expense and Equipment.	85,117
From Chemical Emergency Preparedness Fund.	<u>243,754</u>
Total (Not to exceed 93.49 F.T.E.).	<u>\$5,352,152</u>

SECTION 8.285.— To the Department of Public Safety

For the State Emergency Management Agency
For the Community Right-to-Know Act

From Chemical Emergency Preparedness Fund. \$650,000

For distribution of funds to local emergency planning commissions to
implement the federal Hazardous Materials Transportation Uniform
Safety Act of 1990

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

SECTION 8.290.— To the Department of Public Safety

For the State Emergency Management Agency

For all allotments, grants, and contributions from federal and other sources
that are deposited in the State Treasury for administrative and training
expenses of the State Emergency Management Agency and for first
responder training programs

From Federal Funds. \$12,499,853

For all allotments, grants, and contributions from federal and other sources
that are deposited in the State Treasury for the use of the State
Emergency Management Agency for alleviating distress from disasters

From Missouri Disaster Fund. 80,504,917

To provide matching funds for federal grants and for emergency assistance
expenses of the State Emergency Management Agency as provided in
Section 44.032, RSMo

From General Revenue Fund.	12,543,999
To provide for expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief	
From General Revenue Fund.	3,455,010
Total.	\$109,003,779

Bill Totals

General Revenue Fund.	\$82,678,629
Federal Funds.	216,584,319
Other Funds.	400,265,476
Total.	\$699,528,424

Approved June 24, 2014

HB 2009 [CCS SCS HCS HB 2009]

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

APPROPRIATIONS: DEPARTMENT OF CORRECTIONS

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General; and further provided that the Department of Corrections shall employ no more than 10,848.87 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015, as follows:

***SECTION 9.005.**— To the Department of Corrections
 For the Office of the Director, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service.	\$4,379,315
Annual salary adjustment in accordance with Section 105.005, RSMo	802
Expense and Equipment.	147,929
From General Revenue Fund.	4,528,046

For Family Support Services	
From General Revenue Fund.....	384,093
From Federal Funds.....	71,024
Total (Not to exceed 107.00 F.T.E.).....	<u>\$4,983,163</u>

*I hereby veto \$100,000 general revenue for mentoring services.

For Family Support Services by \$100,000 from \$384,093 to \$284,093 General Revenue Fund.
From \$4,983,163 to \$4,883,163 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 9.010. — To the Department of Corrections
For the Justice Reinvestment Program
For per diem payments to counties (at \$30/day) for housing state prisoners
From General Revenue Fund..... \$100,000

SECTION 9.015. — To the Department of Corrections
For the Office of the Director
For all costs associated with the Offender Reentry Program
Expense and Equipment
From Inmate Fund. \$199,500

For a Kansas City Reentry Program	
From General Revenue Fund.....	178,000
Total.....	<u>\$377,500</u>

SECTION 9.020. — To the Department of Corrections
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts,
and payments from private, federal, and other governmental agencies
which may become available between sessions of the General Assembly
provided that the General Assembly shall be notified of the source of
any new funds and the purpose for which they should be expended,
in writing, prior to the use of said funds
Personal Service..... \$2,402,913
Expense and Equipment..... 2,516,259
From Federal Funds..... 4,919,172

For the expenditures of contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled	
From Institution Gift Trust Fund.....	30,000
Total (Not to exceed 44.50 F.T.E.).....	<u>\$4,949,172</u>

SECTION 9.025. — To the Department of Corrections
For the Office of the Director
For costs associated with increased offender population department-wide,
including, but not limited to, funding for personal service, expense
and equipment, contractual services, repairs, renovations, capital
improvements, and compensatory time, provided not more than
ten percent (10%) flexibility is allowed between personal service

and expense and equipment and not more than ten percent (10%)
flexibility is allowed between sections
Personal Service. \$1,214,061
Expense and Equipment. 527,914
From General Revenue Fund. 1,741,975

Expense and Equipment
From Inmate Incarceration Reimbursement Act Revolving Fund. 750,000
Total. \$2,491,975

SECTION 9.030.— To the Department of Corrections
For the Office of the Director
For telecommunications department-wide, provided not more than ten
percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund. \$1,860,529

SECTION 9.035.— To the Department of Corrections
For the Office of the Director
For restitution payments for those wrongly convicted
From General Revenue Fund. \$75,278

SECTION 9.040.— To the Department of Corrections
For the Division of Human Services, provided not more than ten
percent (10%) flexibility is allowed between personal service
and expense and equipment and not more than ten percent
(10%) flexibility is allowed between sections
Personal Service. \$9,231,818
Expense and Equipment. 112,411
From General Revenue Fund. 9,344,229

Personal Service. 140,114
Expense and Equipment. 34,068
From Inmate Fund. 174,182
Total (Not to exceed 254.60 F.T.E.). \$9,518,411

SECTION 9.045.— To the Department of Corrections
For the Division of Human Services
For general services, provided not more than ten percent (10%) flexibility
is allowed between sections
Expense and Equipment
From General Revenue Fund. \$411,834

SECTION 9.050.— To the Department of Corrections
For the Office of the Director
For the operation of institutional facilities, utilities, systems furniture
and structural modifications, provided not more than ten percent
(10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund. \$24,597,544
From Working Capital Revolving Fund. 1,425,607
Total. \$26,023,151

SECTION 9.055. — To the Department of Corrections

For the Division of Human Services

For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided not more than ten percent (10%) flexibility is allowed between sections

Expense and Equipment

From General Revenue Fund.....	\$31,183,488
From Federal Funds.	250,000
Total.	<u>\$31,433,488</u>

SECTION 9.060. — To the Department of Corrections

For the Division of Human Services

For training costs department-wide, provided not more than ten percent (10%) flexibility is allowed between sections

Expense and Equipment

From General Revenue Fund.....	\$913,909
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SECTION 9.065. — To the Department of Corrections

For the Division of Human Services

For employee health and safety, provided not more than ten percent (10%) flexibility is allowed between sections

Expense and Equipment

From General Revenue Fund.....	\$580,135
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SECTION 9.070. — To the Department of Corrections

For the Division of Human Services

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided not more than ten percent (10%) flexibility is allowed between sections

Personal Service

From General Revenue Fund.....	\$6,022,474
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SECTION 9.075. — To the Department of Corrections

For the Division of Adult Institutions

For the expenses and small equipment purchases at any of the adult institutions department-wide, provided not more than ten percent (10%) flexibility is allowed between sections

Expense and Equipment

From General Revenue Fund.....	\$22,934,210
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SECTION 9.080. — To the Department of Corrections

For the Division of Adult Institutions, provided not more than ten percent

(10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service. \$1,588,700

Expense and Equipment..... 127,443

From General Revenue Fund (Not to exceed 38.41 F.T.E.).	<u>\$1,716,143</u>
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SECTION 9.085. — To the Department of Corrections	
For the Division of Adult Institutions	
For inmate wage and discharge costs at all correctional facilities, provided not more than ten percent (10%) flexibility is allowed between sections	
Expense and Equipment	
From General Revenue Fund.	\$3,259,031
 SECTION 9.090. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Jefferson City Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (Not to exceed 530.00 F.T.E.).	\$17,403,659
 SECTION 9.095. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided not more than ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (Not to exceed 433.00 F.T.E.).	\$13,884,116
 SECTION 9.100. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Ozark Correctional Center at Fordland, provided not more than ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund.	\$5,578,406
From Inmate Fund.	271,917
Total (Not to exceed 171.00 F.T.E.).	<u>\$5,850,323</u>
 SECTION 9.105. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Moberly Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (Not to exceed 386.00 F.T.E.).	\$12,947,201
 SECTION 9.110. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Algoa Correctional Center at Jefferson City, provided not more than ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (Not to exceed 325.00 F.T.E.).	\$10,693,805
 SECTION 9.115. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Missouri Eastern Correctional Center at Pacific, provided not more than ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (Not to exceed 331.00 F.T.E.).	\$10,850,410

SECTION 9.120. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Chillicothe Correctional Center, provided not more than ten
 percent (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund.....	\$12,562,473
From Inmate Fund.	29,017
Total (Not to exceed 459.02 F.T.E.).....	<u>\$12,591,490</u>

SECTION 9.125. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Boonville Correctional Center, provided not more than ten
 percent (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund.....	\$10,076,172
From Inmate Fund.	35,364
Total (Not to exceed 300.00 F.T.E.).....	<u>\$10,111,536</u>

SECTION 9.130. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Farmington Correctional Center, provided not more than ten
 percent (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund (Not to exceed 587.00 F.T.E.).....	\$19,439,990
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SECTION 9.135. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Western Missouri Correctional Center at Cameron, provided not
 more than ten percent (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund (Not to exceed 488.00 F.T.E.).....	\$15,960,964
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SECTION 9.140. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Potosi Correctional Center, provided not more than ten percent
 (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund (Not to exceed 332.00 F.T.E.).....	\$11,142,045
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SECTION 9.145. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Fulton Reception and Diagnostic Center, provided not more than
 ten percent (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund (Not to exceed 426.00 F.T.E.).....	\$13,918,208
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SECTION 9.150. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Tipton Correctional Center, provided not more than ten percent
 (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund.....	\$10,386,656
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From Inmate Fund.	91,388
Total (Not to exceed 311.00 F.T.E.).	<u>\$10,478,044</u>

SECTION 9.155. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Western Reception, Diagnostic and Correctional Center at
 St. Joseph, provided not more than ten percent (10%) flexibility
 is allowed between institutions
 Personal Service
 From General Revenue Fund (Not to exceed 517.00 F.T.E.). \$16,658,639

SECTION 9.160. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Maryville Treatment Center, provided not more than ten percent
 (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (Not to exceed 179.00 F.T.E.). \$6,030,548

SECTION 9.165. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Crossroads Correctional Center at Cameron, provided not more
 than ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (Not to exceed 382.00 F.T.E.). \$12,435,828

SECTION 9.170. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Northeast Correctional Center at Bowling Green, provided not
 more than ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (Not to exceed 530.00 F.T.E.). \$16,983,063

SECTION 9.175. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Eastern Reception, Diagnostic and Correctional Center at Bonne
 Terre, provided not more than ten percent (10%) flexibility is allowed
 between institutions
 Personal Service
 From General Revenue Fund (Not to exceed 607.00 F.T.E.). \$19,197,714

SECTION 9.180. — To the Department of Corrections
 For the Division of Adult Institutions
 For the South Central Correctional Center at Licking, provided not more
 than ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (Not to exceed 410.00 F.T.E.). \$13,220,760

SECTION 9.185. — To the Department of Corrections
 For the Division of Adult Institutions
 For the Southeast Correctional Center at Charleston, provided not more
 than ten percent (10%) flexibility is allowed between institutions
 Personal Service

From General Revenue Fund (Not to exceed 408.00 F.T.E.) \$13,071,285

SECTION 9.190.— To the Department of Corrections

For the Division of Offender Rehabilitative Services, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service.	\$1,235,498
Expense and Equipment.	45,429
From General Revenue Fund (Not to exceed 24.15 F.T.E.).	<u>\$1,280,927</u>

SECTION 9.195.— To the Department of Corrections

For the Division of Offender Rehabilitative Services
For contractual services for offender physical and mental health care, provided not more than ten percent (10%) flexibility is allowed between sections

From General Revenue Fund. \$152,933,046

SECTION 9.200.— To the Department of Corrections

For the Division of Offender Rehabilitative Services
For medical equipment, provided not more than ten percent (10%) flexibility is allowed between sections

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

***SECTION 9.205.**— To the Department of Corrections

For the Division of Offender Rehabilitative Services
For substance abuse services, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service.	\$3,835,684
Expense and Equipment.	5,509,815
From General Revenue Fund.	<u>9,345,499</u>

Expense and Equipment	
From Correctional Substance Abuse Earnings Fund.	264,600
Total (Not to exceed 112.00 F.T.E.).	<u>\$9,610,099</u>

*I hereby veto \$363,279 general revenue for substance abuse services.

Expense and Equipment by \$363,279 from \$5,509,815 to \$5,146,536 General Revenue Fund.
From \$ 9,345,499 to \$8,982,220 in total from General Revenue Fund.
From \$ 9,610,099 to \$9,246,820 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 9.210.— To the Department of Corrections

For the Division of Offender Rehabilitative Services
For toxicology testing, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment

From General Revenue Fund. \$517,125

SECTION 9.215.— To the Department of Corrections

For the Division of Offender Rehabilitative Services

For offender education, provided not more than ten percent (10%) flexibility is allowed between sections

Personal Service

From General Revenue Fund (Not to exceed 226.00 F.T.E.). \$8,684,919

SECTION 9.220.— To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the Missouri Correctional Enterprises, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service. \$8,434,674

Expense and Equipment. 25,345,002

From Working Capital Revolving Fund (Not to exceed 222.00 F.T.E.). \$33,779,676

SECTION 9.225.— To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the Private Sector/Prison Industry Enhancement Program

Expense and Equipment

From Working Capital Revolving Fund. \$866,486

SECTION 9.230.— To the Department of Corrections

For the Board of Probation and Parole, provided no funds shall be used to transport non-custody inmates and not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service. \$64,482,834

Annual salary adjustment in accordance with Section 105.005, RSMo 4,532

Expense and Equipment. 3,596,368

From General Revenue Fund. 68,083,734

Expense and Equipment

From Inmate Fund 4,703,605

For transfers and refunds set-off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund. 1,100,000

Total (Not to exceed 1,750.81 F.T.E.). \$73,887,339

SECTION 9.235.— To the Department of Corrections

For the Board of Probation and Parole

For the St. Louis Community Release Center, provided not more than ten percent (10%) flexibility is allowed between sections

Personal Service

From General Revenue Fund (Not to exceed 125.86 F.T.E.). \$4,275,958

SECTION 9.240.— To the Department of Corrections

For the Board of Probation and Parole

For the Kansas City Community Release Center, provided not more than ten percent (10%) flexibility is allowed between sections
 Personal Service

From General Revenue Fund.....	\$2,604,806
From Inmate Fund.	49,096
Total (Not to exceed 80.18 F.T.E.).....	<u>\$2,653,902</u>

SECTION 9.245.— To the Department of Corrections
 For the Board of Probation and Parole
 For the Command Center, provided not more than ten percent (10%) flexibility is allowed between sections
 Expense and Equipment

From General Revenue Fund.....	\$4,900
Personal Service	
From Inmate Fund.	563,561
Total (Not to exceed 14.40 F.T.E.).....	<u>\$568,461</u>

***SECTION 9.250.**— To the Department of Corrections
 For the Board of Probation and Parole
 For local sentencing initiatives
 Expense and Equipment

From General Revenue Fund.....	\$2,000,000
From Inmate Fund.	40,000
Total.	<u>\$2,040,000</u>

*I hereby veto \$2,000,000 general revenue for local sentencing initiatives.

Expense and Equipment by \$2,000,000 from \$2,000,000 to \$0 General Revenue Fund.
 From \$ 2,040,000 to \$40,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 9.255.— To the Department of Corrections
 For the Board of Probation and Parole
 For residential treatment facilities
 Expense and Equipment

From Inmate Fund.	\$3,989,458
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SECTION 9.260.— To the Department of Corrections
 For the Board of Probation and Parole
 For electronic monitoring
 Expense and Equipment

From Inmate Fund.	\$1,780,289
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SECTION 9.265.— To the Department of Corrections
 For the Board of Probation and Parole
 For the community supervision centers, provided no funds shall be used to transport non-custody inmates and not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections
 Personal Service.

	\$4,388,680
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Expense and Equipment	410,718
From General Revenue Fund	4,799,398
From Inmate Fund	440,000
Total (Not to exceed 144.42 F.T.E.)	\$5,239,398

SECTION 9.270.— To the Department of Corrections

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, and costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo	
From General Revenue Fund	\$43,330,272

Bill Totals

General Revenue Fund	\$670,432,531
Federal Funds	5,240,196
Other Funds	49,483,746
Total	\$725,156,473

Approved June 24, 2014

HB 2010 [CCS SCS HCS HB 2010]

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

APPROPRIATIONS: DEPARTMENT OF MENTAL HEALTH AND DEPARTMENT OF HEALTH AND SENIOR SERVICES

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Mental Health shall employ no more than 4,878.20 full-time equivalent employees (FTE) from the General Revenue Fund, and further provided that the Department of Health and Senior Services shall employ no more than 656.56 full-time equivalent employees (FTE) from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015, as follows:

SECTION 10.005.— To the Department of Mental Health

For the Office of the Director

Personal Service.	\$479,918
Expense and Equipment.	9,729
From General Revenue Fund.	<u>489,647</u>

Personal Service.	89,130
Expense and Equipment.	52,013
From Federal Funds.	<u>141,143</u>
Total (Not to exceed 8.09 F.T.E.).	<u>\$630,790</u>

SECTION 10.010.— To the Department of Mental Health

For the Office of the Director

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.	\$1,134,431

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

From Federal Funds.	\$500,000
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SECTION 10.020.— To the Department of Mental Health

For the Office of the Director

For funding program operations and support

Personal Service.	\$4,740,615
Expense and Equipment.	374,376
From General Revenue Fund.	<u>5,114,991</u>

Personal Service.	890,402
Expense and Equipment.	737,078
From Federal Funds	<u>1,627,480</u>

For the Missouri Medicaid mental health partnership technology initiative

Personal Service.	60,703
Expense and Equipment	614,811
From General Revenue Fund.	<u>675,514</u>

Personal Service.	10,323
Expense and Equipment	506,650
From Federal Funds.	<u>516,973</u>
Total (Not to exceed 123.05 F.T.E.).	<u>\$7,934,958</u>

SECTION 10.025.— To the Department of Mental Health

For the Office of the Director

For staff training

Expense and Equipment	
From General Revenue Fund.	\$357,495

Personal Service.....	179,318
Expense and Equipment	289,500
From Federal Funds	468,818

Expense and Equipment	
From Mental Health Earnings Fund.	100,000
Total.	\$926,313

SECTION 10.030.— To the Department of Mental Health

For the Office of the Director

For the purpose of funding insurance, private pay, licensure fee, and/or
Medicaid refunds by state facilities operated by the Department of
Mental Health

From General Revenue Fund.	\$200,000
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For the purpose of making refund payments

From Federal Funds	250,000
From Mental Health Interagency Payments Fund	100
From Mental Health Intergovernmental Transfer Fund	100
From Compulsive Gambler Fund	100
From Health Initiatives Fund	100
From Mental Health Earnings Fund	50,000
From Inmate Fund	100
From Healthy Families Trust Fund	100
From Mental Health Trust Fund.	25,000
From DMH Local Tax Matching Fund.	150,000

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

From Debt Offset Escrow Fund.	100,000
Total.	\$775,600

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

From Abandoned Fund Account.	\$100,000
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SECTION 10.040.— To the Department of Mental Health

For the Office of the Director

For the purpose of funding receipt and disbursement of donations and gifts
which may become available to the Department of Mental Health
during the year (excluding federal grants and funds)

Personal Service.....	\$441,323
Expense and Equipment.	1,000,000
From Mental Health Trust Fund (Not to exceed 7.50 F.T.E.).....	\$1,441,323

SECTION 10.045.— To the Department of Mental Health

For the Office of the Director

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

be expended, in writing, prior to the use of said funds
 Personal Service. \$116,774
 Expense and Equipment. 2,461,728
 From Federal Funds (Not to exceed 2.00 F.T.E.). \$2,578,502

SECTION 10.050.— To the Department of Mental Health
 For the Office of the Director
 For the purpose of funding Children's System of Care
 Personal Service. \$39,180
 Expense and Equipment. 1,279,991
 From Federal Funds (Not to exceed 1.00 F.T.E.). \$1,319,171

SECTION 10.055.— To the Department of Mental Health
 For the Office of the Director
 For housing assistance for homeless veterans
 From General Revenue Fund. \$255,000
 From Federal Funds 715,000

For the purpose of funding Shelter Plus Care grants
 From Federal Funds. 10,943,496
 Total. \$11,913,496

SECTION 10.060.— To the Department of Mental Health
 For Medicaid payments related to intergovernmental payments
 From Federal Funds. \$15,000,000
 From Mental Health Intergovernmental Transfer Fund. 8,000,000
 Total. \$23,000,000

SECTION 10.065.— There is hereby transferred out of the State Treasury,
 chargeable to the General Revenue Fund, to the Department of Social
 Services Intergovernmental Transfer Fund for the purpose of providing
 the state match for the Department of Mental Health payments
 From General Revenue Fund. \$202,035,680

SECTION 10.070.— There is transferred out of the State Treasury from
 Federal Funds to the General Revenue Fund for the purpose of
 supporting the Department of Mental Health
 From Federal Funds. \$1,550,000

SECTION 10.075.— There is transferred out of the State Treasury from
 Federal Funds to the General Revenue Fund for the purpose of providing
 the state match for the Department of Mental Health payments
 From Federal Funds. \$111,579,424

SECTION 10.080.— There is transferred out of the State Treasury from
 Federal Funds to the General Revenue Fund Disproportionate Share
 Hospital (DSH) funds leveraged by the Department of Mental Health
 - Institute of Mental Disease (IMD) facilities
 From Federal Funds. \$59,000,000

SECTION 10.100.— To the Department of Mental Health
 For the Division of Behavioral Health

For the purpose of funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs	
Personal Service.....	\$876,673
Expense and Equipment.....	21,451
From General Revenue Fund.....	<u>898,124</u>
Personal Service.....	895,842
Expense and Equipment.....	180,565
From Federal Funds.....	<u>1,076,407</u>
Personal Service	
From Health Initiatives Fund.....	46,686
Personal Service.....	131,928
Expense and Equipment.....	97,429
From Mental Health Earnings Fund.....	<u>229,357</u>
Total (Not to exceed 40.17 F.T.E.).....	<u>\$2,250,574</u>
*SECTION 10.105. — To the Department of Mental Health	
For the Division of Behavioral Health	
For the purpose of funding prevention and education services	
From Federal Funds.....	\$3,614,734
Personal Service	
From General Revenue Fund.....	26,122
Personal Service.....	185,116
Expense and Equipment.....	192,363
From Federal Funds.....	<u>377,479</u>
Expense and Equipment	
From Healthy Families Trust Fund.....	300,000
For tobacco retailer education	
The Division of Behavioral Health shall be allowed to use persons under the age of eighteen for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant	
Personal Service.....	19,802
Expense and Equipment.....	103,622
From Federal Funds.....	<u>123,424</u>
For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control	
Personal Service.....	306,392
Expense and Equipment.....	132,185
From Federal Funds.....	<u>438,577</u>
For Community 2000 Team programs	
From General Revenue Fund.....	931,231
From Federal Funds.....	2,121,484

From Health Initiatives Fund	82,148
For school-based alcohol and drug abuse prevention programs	
From Federal Funds	<u>1,264,177</u>
Total (Not to exceed 10.09 F.T.E.)	<u>\$9,279,376</u>

*I hereby veto \$201,931 general revenue for a rate increase for community-based providers.

For Community 2000 Team programs.
 From \$931,231 to \$729,300 General Revenue Fund.
 From \$9,279,376 to \$9,077,445 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 10.110.**— To the Department of Mental Health
 For the Division of Behavioral Health
 For the purpose of funding the treatment of alcohol and drug abuse

Personal Service	\$519,506
For treatment of alcohol and drug abuse	<u>40,081,160</u>
From General Revenue Fund	<u>40,600,666</u>

For the purpose of reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis area from Maryville Treatment Center, Ozark Correctional Center, and Northeast Correctional Center. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options.

From General Revenue Fund	1,000,000
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For the purpose of funding youth services

From Mental Health Interagency Payments Fund	30,600
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For treatment of alcohol and drug abuse

Personal Service	62,724,606
Expense and Equipment	815,967
From Federal Funds	<u>3,037,251</u>
	<u>66,577,824</u>

For treatment of drug and alcohol abuse with the Access to Recovery Grant

For treatment services	3,825,740
Personal Service	160,726
Expense and Equipment	693,550
From Federal Funds	<u>4,680,016</u>

For treatment of alcohol and drug abuse

From Inmate Fund	3,513,779
From Healthy Families Trust Fund	1,980,794

From Health Initiatives Fund	6,171,187
From DMH Local Tax Matching Fund.	625,275
Total (Not to exceed 33.33 F.T.E.)	<u>\$125,180,141</u>

*I hereby veto \$4,129,322, including \$3,438,087 general revenue, including \$2,334,884 for a rate increase for community-based providers, \$750,000 for detoxification services, \$44,438 for a rate increase for adolescent services and \$1,000,000 for ex-offender treatment services.

For treatment of alcohol and drug abuse.
From \$40,081,160 to \$37,643,073 General Revenue Fund.
From \$40,600,666 to \$38,162,579 in total from General Revenue Fund.

For reducing recidivism among offenders with serious substance use.
From \$1,000,000 to \$0 from General Revenue Fund.

For funding youth services.
From \$30,600 to \$30,000 from Mental Health Interagency Payments Fund.

For treatment of alcohol and drug abuse.
Expense and Equipment by \$690,635 from \$62,724,606 to \$62,033,971 from Federal Funds.
From \$66,577,824 to \$65,887,189 in total from Federal Funds.
From \$125,180,141 to \$121,050,819 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 10.115.**— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding treatment of compulsive gambling. \$215,236
 Personal Service 41,423
 Expense and Equipment. 3,133
From Compulsive Gamblers Fund (Not to exceed 1.00 F.T.E.) \$259,792

*I hereby veto \$4,220 Compulsive Gamblers Fund for a rate increase for community-based providers.

For the treatment of compulsive gambling from \$215,236 to \$211,016 from Compulsive Gamblers Fund.
From \$259,792 to \$255,572 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 10.120.**— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding the Substance Abuse Traffic Offender Program
From Federal Funds. \$904,034
From Mental Health Earnings Fund 6,911,749

Personal Service	
From Federal Funds	21,150
Personal Service	197,468
Expense and Equipment.	<u>38,802</u>

From Health Initiatives Fund.	236,270
Total (Not to exceed 5.48 F.T.E.)	<u>\$8,073,203</u>

*I hereby veto \$141,300 Federal and Other Funds for a rate increase for community-based providers.

For the Substance Abuse Traffic Offender Program.
 From \$904,034 to \$894,483 from Federal Funds.
 From \$6,911,749 to \$6,780,000 from Mental Health Earnings Fund.
 From \$8,073,203 to \$7,931,903 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.200.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding administration of comprehensive psychiatric services

Personal Service.	\$814,914
Expense and Equipment.	<u>51,414</u>
From General Revenue Fund.	866,328

Personal Service	627,317
Expense and Equipment.	<u>330,566</u>
From Federal Funds	957,883

For suicide prevention initiatives

Personal Service	25,707
Expense and Equipment.	<u>620,401</u>
From Federal Funds.	646,108
Total (Not to exceed 29.00 F.T.E.)	<u>\$2,470,319</u>

SECTION 10.205.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part-time employment

From General Revenue Fund.	\$3,334,698
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For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994

From General Revenue Fund.	850,233
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To pay the state operated hospital provider tax

From General Revenue Fund.	16,000,000
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For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses

Expense and Equipment

From Federal Funds	3,403,191
Personal Service	104,282
Expense and Equipment	1,404,409
From Mental Health Earnings Fund	1,508,691
For those Voluntary by Guardian clients transitioning from state psychiatric facilities to the community or to support those clients in facilities waiting to transition to the community	
From General Revenue Fund	602,760
Total (Not to exceed 80.40 F.T.E.)	\$25,699,573
*SECTION 10.210. — To the Department of Mental Health	
For the Division of Behavioral Health	
For the purpose of funding adult community programs	
Personal Service	\$79,126
Expense and Equipment	1,413,995
From General Revenue Fund	1,493,121
Personal Service	221,867
Expense and Equipment	1,586,975
From Federal Funds	1,808,842
For the purpose of funding adult community programs, provided that up to ten percent (10%) of this appropriation may be used for services for youth	
From General Revenue Fund	113,826,171
From Federal Funds	205,325,837
From Mental Health Earnings Fund	583,740
From DMH Local Tax Matching Fund	700,593
For the purpose of funding comprehensive psychiatric rehabilitation (CPR) operations at El Dorado Springs, formerly Southwest Missouri Psychiatric Rehabilitation Center	
From General Revenue Fund	4,057,570
From Federal Funds	6,248,843
For the provision of mental health services and support services to other agencies	
From Mental Health Interagency Payments Fund	1,310,572
For the purpose of funding programs for the homeless mentally ill	
From General Revenue Fund	553,892
From Federal Funds	964,080
For inpatient redesign community alternatives	
From General Revenue Fund	4,590,000
For the purpose of funding the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo	
Personal Service	38,000
Expense and Equipment	162,000
From General Revenue Fund	200,000
Total (Not to exceed 8.80 F.T.E.)	\$341,663,261

*I hereby veto \$13,069,015, including \$6,472,304 general revenue, including \$6,369,120 for a rate increase for community-based providers, \$620,000 for additional psychiatric residency positions, \$5,919,320 for an emergency services pilot in Kansas City, and \$160,575 for the Missouri Eating Disorder Council.

For adult community programs.
Expense and Equipment by \$640,506 from \$1,413,995 to \$773,489 General Revenue Fund.
From \$1,493,121 to \$852,615 in total from General Revenue Fund.

For adult community programs.
From \$113,826,171 to \$108,274,713 from General Revenue Fund.
From \$205,325,837 to \$198,729,126 from Federal Funds.

For programs for the homeless mentally ill.
From \$553,892 to \$524,127 General Revenue Fund.

For inpatient redesign community alternatives.
From \$4,590,000 to \$4,500,000 General Revenue Fund.

For the Missouri Eating Disorder Council.
Personal Service by \$38,000 from \$38,000 to \$0 General Revenue Fund.
Expense and Equipment by \$122,575 from \$162,000 to \$39,425 General Revenue Fund.
From \$200,000 to \$39,425 in total from General Revenue Fund.
From \$341,663,261 to \$328,594,246 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.215.— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of reimbursing attorneys, physicians, and counties for fees
in involuntary civil commitment procedures. \$580,000

For distribution through the Office of Administration to counties pursuant
to Section 56.700, RSMo. 132,550
From General Revenue Fund. \$712,550

SECTION 10.220.— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding forensic support services
Personal Service. \$747,610
Expense and Equipment. 22,765
From General Revenue Fund. 770,375

Personal Service 4,295
Expense and Equipment. 37,235
From Federal Funds. 41,530
Total (Not to exceed 19.39 F.T.E.). \$811,905

***SECTION 10.225.**— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding youth community programs
Personal Service. \$113,101

Expense and Equipment	61,303
From General Revenue Fund	<u>174,404</u>
Personal Service	205,489
Expense and Equipment	1,089,690
From Federal Funds	<u>1,295,179</u>
For the purpose of funding youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults	
From General Revenue Fund	29,928,555
From Federal Funds	46,882,487
From DMH Local Tax Matching Fund	1,008,129
For the purpose of funding youth services	
From Mental Health Interagency Payments Fund	612,000
Total (Not to exceed 6.29 F.T.E.)	<u>\$79,900,754</u>

*I hereby veto \$1,581,112, including \$791,133 general revenue for a rate increase for community-based providers.

For youth community programs.
Expense and Equipment by \$1,202 from \$61,303 to \$60,101 General Revenue Fund.
From \$174,404 to \$173,202 in total from General Revenue Fund.

For youth community programs.
From \$29,928,555 to \$29,138,624 from General Revenue Fund.
From \$46,882,487 to \$46,104,508 from Federal Funds.

For youth services.
From \$612,000 to \$600,000 from Mental Health Interagency Payments Fund.
From \$79,900,754 to \$78,319,642 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.230.— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding services for children who are clients of the
Department of Social Services
Expense and Equipment
From Mental Health Interagency Payments Fund \$49,705

SECTION 10.235.— To the Department of Mental Health
For the Division of Behavioral Health
For the purchase and administration of new medication therapies
Expense and Equipment
From General Revenue Fund \$12,666,600
From Federal Funds 916,243
Total \$13,582,843

SECTION 10.300.— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Fulton State Hospital, provided that not more

than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between Fulton State Hospital and Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$35,275,108
Expense and Equipment	<u>8,115,475</u>
From General Revenue Fund	43,390,583

Personal Service	948,197
Expense and Equipment	<u>808,211</u>
From Federal Funds	1,756,408

For the provision of support services to other agencies
Expense and Equipment
From Mental Health Interagency Payments Fund 250,000

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund 894,053

For the purpose of funding Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	6,965,108
Expense and Equipment	<u>1,746,642</u>
From General Revenue Fund	8,711,750

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund 61,271
Total (Not to exceed 1,156.97 F.T.E.). \$55,064,065

SECTION 10.305.— To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service

and expense and equipment	
Personal Service	\$10,368,769
Expense and Equipment	2,106,481
From General Revenue Fund	<u>12,475,250</u>

Personal Service	790,079
Expense and Equipment	167,343
From Federal Funds	<u>957,422</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund	165,054
From Federal Funds	11,355
Total (Not to exceed 292.51 F.T.E.)	<u>\$13,609,081</u>

SECTION 10.310.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding St. Louis Psychiatric Rehabilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$16,661,877
Expense and Equipment	2,588,269
From General Revenue Fund	<u>19,250,146</u>

Personal Service	433,595
Expense and Equipment	93,450
From Federal Funds	<u>527,045</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund	285,851
From Federal Funds	940
Total (Not to exceed 471.14 F.T.E.)	<u>\$20,063,982</u>

SECTION 10.315.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Southwest Missouri Psychiatric Rehabilitation Center

Personal Service	
From Mental Health Earnings Fund (Not to exceed 63.07 F.T.E.)	\$2,267,906

SECTION 10.320.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Metropolitan St. Louis Psychiatric Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients

to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$6,519,348
Expense and Equipment	<u>2,141,636</u>
From General Revenue Fund	8,660,984

Personal Service	370,288
Expense and Equipment	<u>739</u>
From Federal Funds	371,027

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund	16,952
From Federal Funds	<u>1,154</u>
Total (Not to exceed 178.50 F.T.E.)	\$9,050,117

SECTION 10.325.— To the Department of Mental Health
For the Division of Behavioral Health

For the purpose of funding Southeast Missouri Mental Health Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$16,730,760
Expense and Equipment	<u>2,780,477</u>
From General Revenue Fund	19,511,237

Personal Service	290,230
Expense and Equipment	<u>326,459</u>
From Federal Funds	616,689

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund	162,734
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For the purpose of funding Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center and

that not more than ten percent (10%) flexibility is allowed between
personal service and expense and equipment

Personal Service	14,703,983
Expense and Equipment.	<u>3,797,215</u>
From General Revenue Fund.	18,501,198

Personal Service	
From Federal Funds	28,115

For the purpose of paying overtime to state employees. Non-exempt state
employees identified by Section 105.935, RSMo, will be paid first with any
remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.	<u>84,649</u>
Total (Not to exceed 898.82 F.T.E.).	\$38,904,622

SECTION 10.330.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Center for Behavioral Medicine, provided that
not more than fifteen percent (15%) may be spent on the Purchase of
Community Services, including transitioning clients to the community
or other state-operated facilities, and that not more than ten percent
(10%) flexibility is allowed between personal service and expense
and equipment

Personal Service.	\$13,392,272
Expense and Equipment.	<u>2,190,993</u>
From General Revenue Fund.	15,583,265

Personal Service	243,270
Expense and Equipment.	693,959
From Federal Funds	937,229

For the purpose of paying overtime to state employees. Non-exempt state
employees identified by Section 105.935, RSMo, will be paid first with any
remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.	<u>245,831</u>
Total (Not to exceed 353.05 F.T.E.).	\$16,766,325

SECTION 10.335.— To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Hawthorn Children's Psychiatric Hospital, provided
that not more than ten percent (10%) flexibility is allowed between personal
service and expense and equipment

Personal Service.	\$6,127,322
Expense and Equipment.	<u>898,017</u>
From General Revenue Fund.	7,025,339

Personal Service	1,745,025
Expense and Equipment.	192,209
From Federal Funds	<u>1,937,234</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.....	64,217
From Federal Funds.....	7,291
Total (Not to exceed 214.80 F.T.E.).....	<u>\$9,034,081</u>

SECTION 10.340.—To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Cottonwood Residential Treatment Center, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,015,517
Expense and Equipment.....	345,393
From General Revenue Fund.....	<u>1,360,910</u>

Personal Service.....	1,737,043
Expense and Equipment.....	411,443
From Federal Funds.....	<u>2,148,486</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.....	19,357
From Federal Funds.....	1,130
Total (Not to exceed 87.03 F.T.E.).....	<u>\$3,529,883</u>

SECTION 10.400.—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding division administration

Personal Service.....	\$1,381,959
Expense and Equipment.....	58,566
From General Revenue Fund.....	<u>1,440,525</u>

Personal Service.....	312,142
Expense and Equipment.....	58,877
From Federal Funds.....	<u>371,019</u>
Total (Not to exceed 31.37 F.T.E.).....	<u>\$1,811,544</u>

SECTION 10.405.—To the Department of Mental Health

For the Division of Developmental Disabilities

To pay the state operated ICF/MR provider tax

From General Revenue Fund.....	\$7,500,000
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***SECTION 10.410.**—To the Department of Mental Health

For the Division of Developmental Disabilities

Provided that residential services for non-Medicaid eligibles shall not be reduced below the prior year expenditures as long as the person is evaluated to need the services, provided that beginning July 2013, services for all Division of Developmental disabilities clients who are

new to residential or day habilitation services will be paid based upon standardized rates. Residential Services will be based upon the client's needs and their Rate Allocation Score as defined by the Division of DD Rate Rebasing Committee. Day Habilitation shall be based upon the profile rates as established by the Division. The rebasing appropriation under this section shall be applied to the lowest rates in each of the seven residential rate allocation scores and the two day habilitation profile rates in order to create minimum funding level. The minimum funding level percentage shall be consistent across the seven residential rate allocation scores and the two day habilitation profile rates and shall be disclosed to all providers of residential and day habilitation services. In each subsequent year, providers will be paid standardized rates that are adjusted for inflation, subject to appropriation, for all new clients entering residential services and day habilitation. Subject to appropriation, rates for existing clients will continue to be adjusted

For the purpose of funding community programs	
From General Revenue Fund.	\$252,048,399
From Federal Funds	560,997,840
For the purpose of funding community programs	
Personal Service.	579,988
Expense and Equipment.	31,425
From General Revenue Fund.	<u>611,413</u>
Personal Service.	955,529
Expense and Equipment.	180,049
From Federal Funds	<u>1,135,578</u>
For consumer and family directed supports/in-home services/choices for families	
From General Revenue Fund.	18,985,559
From Developmental Disabilities Waiting List Equity Trust Fund	10,000
For the purpose of funding programs for persons with autism and their families	
From General Revenue Fund.	4,340,896
For the purpose of funding Regional Autism projects	
From General Revenue Fund.	8,905,661
For services for children who are clients of the Department of Social Services	
From Mental Health Interagency Payments Fund	10,970,100
For purposes of funding youth services	
From Mental Health Interagency Payments Fund	566,610
For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division	
From DMH Local Tax Matching Fund	25,728,609
For the purpose of funding the Family Support Partnership Program	
From General Revenue Fund.	300,000
From Federal Funds.	<u>2,700,000</u>
Total (Not to exceed 25.09 F.T.E.).	<u>\$887,300,665</u>

*I hereby veto \$49,760,809, including \$18,402,883 general revenue, including \$16,226,238 for a rate increase for community-based providers, \$29,234,571 for rebasing rates of community-based providers, \$300,000 for an autism spectrum disorder clinic, \$1,000,000 for regional autism projects, and \$3,000,000 for a family support partnership program.

For community programs.

From \$252,048,399 to \$235,858,316 from General Revenue Fund.

From \$560,997,840 to \$532,566,124 from Federal Funds.

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

From \$18,985,559 to \$18,607,005 from General Revenue Fund.

For programs for persons with autism and their families.

From \$4,340,896 to \$3,961,663 from General Revenue Fund.

For Regional Autism projects.

From \$8,905,661 to \$7,750,648 from General Revenue Fund.

For services for children who are clients of the Department of Social Services.

From \$10,970,100 to \$10,755,000 from Mental Health Interagency Payments Fund.

For youth services.

From \$566,610 to \$555,500 from Mental Health Interagency Payments Fund.

For the Family Support Partnership Program.

From \$300,000 to \$0 from General Revenue Fund.

From \$2,700,000 to \$0 from Federal Funds.

From \$887,300,665 to \$837,539,856 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 10.415.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding community support staff

Personal Service

From General Revenue Fund. \$1,951,023

From Federal Funds. 8,090,215

Total (Not to exceed 240.38 F.T.E.). \$10,041,238

SECTION 10.420.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding developmental disabilities services

Personal Service. \$384,775

Expense and Equipment. 1,171,512

From Federal Funds (Not to exceed 7.98 F.T.E.). \$1,556,287

SECTION 10.425.— There is transferred out of the State Treasury from
the ICF/MR Reimbursement Allowance Fund to the General Revenue
Fund as a result of recovering the ICF/MR Reimbursement Allowance
Fund

From ICF/MR Reimbursement Allowance Fund. \$2,800,000

There is transferred out of the State Treasury from the ICF/MR Reimbursement Allowance Fund to Federal Funds
 From ICF/MR Reimbursement Allowance Fund 4,742,365
 Total. \$7,542,365

***SECTION 10.500.**— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Albany Regional Center
 Personal Service. \$1,086,246
 Expense and Equipment. 108,057
 From General Revenue Fund. 1,194,303

Personal Service. 171,424
 Expense and Equipment. 3,836
 From Federal Funds. 175,260
 Total (Not to exceed 33.05 F.T.E.). \$1,369,563

*I hereby veto \$272,360, including \$263,982 general revenue for the Albany Regional Center.

Personal Service by \$209,953 from \$1,086,246 to \$876,293 General Revenue Fund.
 Expense and Equipment by \$54,029 from \$108,057 to \$54,028 General Revenue Fund.
 From \$1,194,303 to \$930,321 in total from General Revenue Fund.

Personal Service by \$8,378 from \$171,424 to \$163,046 Federal Funds.
 From \$175,260 to \$166,882 in total from Federal Funds.
 From \$1,369,563 to \$1,097,203 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.505.— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Central Missouri Regional Center, provided
 that not more than fifty percent (50%) flexibility is allowed between
 personal service and expense and equipment
 Personal Service. \$1,842,417
 Expense and Equipment. 87,893
 From General Revenue Fund. 1,930,310

Personal Service. 357,846
 Expense and Equipment. 76,478
 From Federal Funds. 434,324
 Total (Not to exceed 59.95 F.T.E.). \$2,364,634

***SECTION 10.510.**— To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the purpose of funding the Hannibal Regional Center
 Personal Service. \$1,068,691
 Expense and Equipment. 149,477
 From General Revenue Fund. 1,218,168

Personal Service. 170,253
 Expense and Equipment. 17,586

From Federal Funds.	187,839
Total (Not to exceed 29.73 F.T.E.)	<u>\$1,406,007</u>

*I hereby veto \$356,806, including \$322,734 general revenue for the Hannibal Regional Center.

Personal Service by \$248,567 from \$1,068,691 to \$820,124 from General Revenue Fund.
Expense and Equipment by \$74,167 from \$149,477 to \$75,310 from General Revenue Fund.
From \$1,218,168 to \$895,434 in total from General Revenue Fund.

Personal Service by \$25,664 from \$170,253 to \$144,589 from Federal Funds.
Expense and Equipment by \$8,408 from \$17,586 to \$9,178 from Federal Funds.
From \$187,839 to \$153,767 in total from Federal Funds.
From \$1,406,007 to \$1,049,201 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 10.515.**— To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding the Joplin Regional Center, provided that not
more than fifty percent (50%) flexibility is allowed between personal
service and expense and equipment

Personal Service.	\$1,071,439
Expense and Equipment.	158,172
From General Revenue Fund.	<u>1,229,611</u>

Personal Service.	115,992
Expense and Equipment.	23,478
From Federal Funds.	<u>139,470</u>
Total (Not to exceed 29.67 F.T.E.)	<u>\$1,369,081</u>

*I hereby veto \$298,863 general revenue for the Joplin Regional Center.

Personal Service by \$219,776 from \$1,071,439 to \$851,663 General Revenue Fund.
Expense and Equipment by \$79,087 from \$158,172 to \$79,085 General Revenue Fund.
From \$1,229,611 to \$930,748 in total from General Revenue Fund.
From \$1,369,081 to \$1,070,218 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.520.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Kansas City Regional Center

Personal Service.	\$2,080,028
Expense and Equipment.	228,983
From General Revenue Fund.	<u>2,309,011</u>

Personal Service.	1,058,430
Expense and Equipment.	107,478
From Federal Funds.	<u>1,165,908</u>
Total (Not to exceed 76.71 F.T.E.)	<u>\$3,474,919</u>

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

For the purpose of funding the Kirksville Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$844,860
Expense and Equipment.....	93,873
From General Revenue Fund.....	<u>938,733</u>

Personal Service.....	108,151
Expense and Equipment.....	20,316
From Federal Funds.....	<u>128,467</u>
Total (Not to exceed 24.00 F.T.E.).....	<u>\$1,067,200</u>

*I hereby veto \$232,533 general revenue for the Kirksville Regional Center.

Personal Service by \$185,617 from \$844,860 to \$659,243 General Revenue Fund.
Expense and Equipment by \$46,916 from \$93,873 to \$46,957 General Revenue Fund.
From \$938,733 to \$706,200 in total from General Revenue Fund.
From \$1,067,200 to \$834,667 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 10.530.**— To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Poplar Bluff Regional Center

Personal Service.....	\$962,188
Expense and Equipment.....	92,015
From General Revenue Fund.....	<u>1,054,203</u>

Personal Service.....	119,958
Expense and Equipment.....	17,232
From Federal Funds.....	<u>137,190</u>
Total (Not to exceed 27.97 F.T.E.).....	<u>\$1,191,393</u>

*I hereby veto \$228,962 general revenue for the Poplar Bluff Regional Center.

Personal Service by \$182,954 from \$962,188 to \$779,234 General Revenue Fund.
Expense and Equipment by \$46,008 from \$92,015 to \$46,007 General Revenue Fund.
From \$1,054,203 to \$825,241 in total from General Revenue Fund.
From \$1,191,393 to \$962,431 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 10.535.**— To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Rolla Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,014,469
Expense and Equipment.....	97,422
From General Revenue Fund.....	<u>1,111,891</u>

Personal Service.....	292,931
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Expense and Equipment.....	26,066
From Federal Funds.....	<u>318,997</u>
Total (Not to exceed 32.50 F.T.E.).....	\$1,430,888

*I hereby veto \$228,036, including \$159,616 general revenue for the Rolla Regional Center.

Personal Service by \$110,906 from \$1,014,469 to \$903,563 General Revenue Fund.
Expense and Equipment by \$48,710, from \$97,422 to \$48,712 General Revenue Fund.
From \$1,111,891 to \$952,275 in total from General Revenue Fund.

Personal Service by \$55,893 from \$292,931 to \$237,038 Federal Funds.
Expense and Equipment by \$12,527 from \$26,066 to \$13,539 Federal Funds.
From \$318,997 to \$250,577 in total from Federal Funds.
From \$1,430,888 to \$1,202,852 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.540.—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Sikeston Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,068,158
Expense and Equipment.....	<u>97,501</u>
From General Revenue Fund.....	1,165,659

Personal Service.....	116,701
Expense and Equipment.....	<u>10,350</u>
From Federal Funds.....	127,051
Total (Not to exceed 30.58 F.T.E.).....	\$1,292,710

SECTION 10.545.—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Springfield Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,375,838
Expense and Equipment.....	<u>142,357</u>
From General Revenue Fund.....	1,518,195

Personal Service.....	253,345
Expense and Equipment.....	<u>18,030</u>
From Federal Funds.....	271,375
Total (Not to exceed 43.00 F.T.E.).....	\$1,789,570

SECTION 10.550.—To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the St. Louis Regional Center

Personal Service.....	\$3,548,089
Expense and Equipment.....	<u>309,437</u>
From General Revenue Fund.....	3,857,526

Personal Service.....	911,555
Expense and Equipment	226,576
From Federal Funds.....	<u>1,138,131</u>
Total (Not to exceed 125.01 F.T.E.)	\$4,995,657

SECTION 10.555.— To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding the Bellefontaine Habilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$5,929,794
Expense and Equipment.....	246,287
From General Revenue Fund.....	<u>6,176,081</u>

Personal Service.....	9,034,185
Expense and Equipment	1,424,964
From Federal Funds.....	<u>10,459,149</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.....	910,758
From Federal Funds.....	39,109
Total (Not to exceed 445.85 F.T.E.)	<u>\$17,585,097</u>

SECTION 10.560.— To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding the Higginsville Habilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,653,168
Expense and Equipment.....	26,927
From General Revenue Fund.....	<u>1,680,095</u>

Personal Service.....	5,694,676
Expense and Equipment.....	550,807
From Federal Funds.....	<u>6,245,483</u>

For Northwest Community Services

Personal Service	
From General Revenue Fund.....	2,978,190
From Federal Funds.....	<u>2,815,647</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund.....	389,542
From Federal Funds.....	93,237
Total (Not to exceed 470.07 F.T.E.).....	<u>\$14,202,194</u>

SECTION 10.565.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Marshall Habilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$4,716,968
Expense and Equipment.....	369,269
From General Revenue Fund.....	<u>5,086,237</u>

Personal Service.....	11,023,270
Expense and Equipment.....	262,239
From Federal Funds.....	<u>11,285,509</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.....	728,135
From Federal Funds.....	55,266
Total (Not to exceed 523.45 F.T.E.).....	<u>\$17,155,147</u>

SECTION 10.570.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding Southwest Community Services, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$2,177,369
Expense and Equipment.....	65,193
From General Revenue Fund.....	<u>2,242,562</u>

Personal Service.....	5,949,759
Expense and Equipment.....	359,918
From Federal Funds.....	<u>6,309,677</u>

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund.....	9,187
Total (Not to exceed 280.26 F.T.E.).....	<u>\$8,561,426</u>

SECTION 10.575.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the St. Louis Developmental Disabilities Treatment

Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$4,296,279
Expense and Equipment	<u>1,787,071</u>
From General Revenue Fund	6,083,350

Personal Service	13,245,416
Expense and Equipment	<u>1,363,777</u>
From Federal Funds	14,609,193
Total (Not to exceed 600.96 F.T.E.)	<u>\$20,692,543</u>

SECTION 10.580.— To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	\$1,856,884
Expense and Equipment	<u>7,419</u>
From General Revenue Fund	1,864,303

Personal Service	4,542,159
Expense and Equipment	<u>633,271</u>
From Federal Funds	5,175,430

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund	186,801
From Federal Funds	<u>84,312</u>
Total (Not to exceed 222.89 F.T.E.)	<u>\$7,310,846</u>

SECTION 10.600.— To the Department of Health and Senior Services
For the Office of the Director

For the purpose of funding program operations and support

Personal Service	\$579,105
Expense and Equipment	<u>22,097</u>
From General Revenue Fund	601,202

Personal Service	1,504,368
Expense and Equipment	<u>151,233</u>
From Federal Funds	1,655,601
Total (Not to exceed 40.79 F.T.E.)	<u>\$2,256,803</u>

SECTION 10.605.— To the Department of Health and Senior Services
For the Division of Administration
For the purpose of funding program operations and support

Personal Service.	\$206,024
Expense and Equipment	140,371
From General Revenue Fund.	<u>346,395</u>

Personal Service.	2,385,062
Expense and Equipment.	2,136,330
From Federal Funds	<u>4,521,392</u>

For the purpose of funding program operations and support, provided that one-hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment Expense and Equipment

From Nursing Facility Quality of Care Fund	400,000
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Expense and Equipment From Health Access Incentive Fund.	50,000
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Expense and Equipment From Mammography Fund.	25,000
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Personal Service.	129,839
Expense and Equipment	99,525
From Missouri Public Health Services Fund.	<u>229,364</u>

Expense and Equipment From Professional and Practical Nursing Student Loan Repayment Fund.	30,000
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Expense and Equipment From Department of Health and Senior Services Document Services Fund	44,571
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Expense and Equipment From Putative Father Registry Fund	25,000
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Expense and Equipment From Organ Donor Program Fund.	30,000
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Expense and Equipment From Childhood Lead Testing Fund.	5,000
Total (Not to exceed 70.73 F.T.E.).	<u>\$5,706,722</u>

SECTION 10.610.— There is transferred out of the State Treasury from the Health Initiatives Fund to the Health Access Incentive Fund

From Health Initiatives Fund.	\$759,624
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SECTION 10.615.— To the Department of Health and Senior Services For the Division of Administration For the purpose of funding the payment of refunds set off against debts in accordance with Section 143.786, RSMo

From Debt Offset Escrow Fund.	\$20,000
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SECTION 10.620.— To the Department of Health and Senior Services For the Division of Administration

For the purpose of making refund payments	
From General Revenue Fund.	\$50,000
From Federal Funds	100,000
From Other Funds	100,000
Total.	<u>\$250,000</u>

SECTION 10.625.— To the Department of Health and Senior Services

For the Division of Administration

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

Personal Service.	\$100,458
Expense and Equipment	3,000,001
From Federal Funds	<u>3,100,459</u>

Personal Service.	101,461
Expense and Equipment.	347,596
From Department of Health - Donated Fund.	<u>449,057</u>
Total.	<u>\$3,549,516</u>

SECTION 10.700.— To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of funding program operations and support

Personal Service	
From General Revenue Fund.	\$6,263,058

Personal Service.	15,693,337
Expense and Equipment.	3,354,955
From Federal Funds	<u>19,048,292</u>

Personal Service.	985,112
Expense and Equipment.	555,850
From Health Initiatives Fund	<u>1,540,962</u>

Personal Service.	69,798
Expense and Equipment	23,785
From Environmental Radiation Monitoring Fund	<u>93,583</u>

Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust Fund.	47,500

Personal Service.	203,590
Expense and Equipment.	66,883
From Hazardous Waste Fund.	<u>270,473</u>

Personal Service.	110,169
Expense and Equipment.	81,887
From Organ Donor Program Fund.	<u>192,056</u>

Personal Service.	388,225
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Expense and Equipment.	83,053
From Missouri Public Health Services Fund.	471,278
Personal Service.	120,636
Expense and Equipment.	69,048
From Department of Health and Senior Services Document Services Fund	189,684
Personal Service.	180,516
Expense and Equipment	366,378
From Department of Health - Donated Fund	546,894
Personal Service.	77,047
Expense and Equipment.	27,748
From Putative Father Registry Fund.	104,795
Total (Not to exceed 545.63 F.T.E.).	\$28,768,575

SECTION 10.705.— To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of funding core public health functions and related expenses

From General Revenue Fund.	\$3,322,692
From Federal Funds.	7,200,000
Total.	\$10,522,692

***SECTION 10.710.**— To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of funding community health programs and related expenses

From General Revenue Fund.	\$9,575,396
From Federal Funds	76,931,386
From Organ Donor Program Fund.	45,000
From C & M Smith Memorial Endowment Trust Fund	10,000
From Children's Special Health Care Needs Service Fund	30,000
From Missouri Lead Abatement Loan Fund	46,000
From Missouri Public Health Services Fund.	1,549,750
From Brain Injury Fund	1,074,900
From Breast Cancer Awareness Trust Fund.	5,000
Total.	\$89,267,432

*I hereby veto \$1,198,381, including \$600,000 general revenue, including \$50,000 for epilepsy education, \$200,000 for the Elks mobile dental program, and \$948,381 for a traumatic brain injury Medicaid waiver.

For community health programs and related expenses.

From \$9,575,396 to \$8,975,396 from General Revenue Fund.

From \$76,931,386 to \$76,333,005 from Federal Funds.

From \$89,267,432 to \$88,069,051 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 10.712.**— To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of tobacco cessation

From General Revenue Fund.	\$150,000
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From Federal Funds	150,000
Total	<u>\$300,000</u>

*I hereby veto \$300,000, including \$150,000 general revenue for tobacco cessation.

Said section is vetoed in its entirety.
 From \$150,000 to \$0 from General Revenue Fund.
 From \$150,000 to \$0 from Federal Funds.
 From \$300,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.715.— To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the purpose of funding supplemental nutrition programs
 From Federal Funds. \$200,180,851

SECTION 10.720.— To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Offices of Primary Care and Rural Health and Women's Health
 Personal Service. \$760,491
 Expense and Equipment. 274,227
 From Federal Funds 1,034,718

Personal Service. 95,467
 Expense and Equipment. 14,851
 From Health Initiatives Fund 110,318

Personal Service. 73,864
 Expense and Equipment. 8,900
 From Professional and Practical Nursing Student Loan and Nurse Loan
 Repayment Fund. 82,764

For the purpose of funding other Office of Primary Care and Rural Health
 programs and related expenses
 Expense and Equipment
 From General Revenue Fund. 200,000
 From Federal Funds 978,866

For the purpose of funding contracts for the Sexual Violence Victims Services,
 Awareness, and Education Program
 From Federal Funds. 842,134
 Total (Not to exceed 19.20 F.T.E.). \$3,248,800

***SECTION 10.725.**— To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the purpose of funding the Primary Care Resource Initiative Program
 (PRIMO), Financial Aid to Medical Students, and Loan Repayment
 Programs
 From Federal Funds. \$174,446
 From Health Access Incentive Fund. 650,000
 From Department of Health - Donated Fund 1,106,236

From Professional and Practical Nursing Student Loan and Nurse Loan
Repayment Fund. 499,752

For the purpose of funding the Missouri Area Health Education Centers
Program and its responsibilities under Section 191.980.4, RSMo
From General Revenue Fund. 500,000
Total. \$2,930,434

*I hereby veto \$500,000 general revenue for the Missouri Area Health Education Centers
Program.

From \$500,000 to \$0 from General Revenue Fund.
From \$2,930,434 to \$2,430,434 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 10.730.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Minority Health
For the purpose of funding program operations and support
Personal Service. \$187,268
Expense and Equipment 181,024
From General Revenue Fund. 368,292

Personal Service. 61,705
Expense and Equipment. 104,621
From Federal Funds. 166,326
Total (Not to exceed 6.73 F.T.E.). \$534,618

SECTION 10.735.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Emergency Coordination, provided that \$500,000 be used
to assist in maintaining the Poison Control Hotline
Personal Service. \$1,947,816
Expense and Equipment and Program Distribution. 16,570,116
From Federal Funds 18,517,932
From Insurance Dedicated Fund. 1,000,000
Total (Not to exceed 37.02 F.T.E.). \$19,517,932

***SECTION 10.740.**— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding the State Public Health Laboratory
Personal Service. \$1,647,140
Expense and Equipment. 515,702
From General Revenue Fund. 2,162,842

Personal Service. 713,932
Expense and Equipment 1,167,055
From Federal Funds 1,880,987

Personal Service. 1,343,532
Expense and Equipment 3,608,210
From Missouri Public Health Services Fund. 4,951,742

Expense and Equipment From Safe Drinking Water Fund.	434,532
Personal Service.	17,139
Expense and Equipment	46,368
From Other Funds	<u>63,507</u>
Total (Not to exceed 97.01 F.T.E.).	\$9,493,610

*I hereby veto \$191,400 general revenue for the expansion of newborn screening services.

For the State Public Health Laboratory.

Personal Service by \$111,402 from \$1,647,140 to \$1,535,738 General Revenue Fund.
Expense and Equipment by \$79,998 from \$515,702 to \$435,704 General Revenue Fund.
From \$2,162,842 to \$1,971,442 in total from General Revenue Fund.
From \$9,493,610 to \$9,302,210 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 10.800.**— To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding program operations and support

Personal Service.	\$8,960,234
Expense and Equipment.	1,075,824
From General Revenue Fund.	<u>10,036,058</u>
Personal Service.	10,276,375
Expense and Equipment.	1,426,695
From Federal Funds	<u>11,703,070</u>
Total (Not to exceed 491.59 F.T.E.).	\$21,739,128

*I hereby veto \$433,510, including \$216,755 general revenue for training providers and providing oversight of assessments as required by SB 127 (2013).

Personal Service by \$114,270 from \$8,960,234 to \$8,845,964 General Revenue Fund.
Expense and Equipment by \$102,485 from \$1,075,824 to \$973,339 General Revenue Fund.
From \$10,036,058 to \$9,819,303 in total from General Revenue Fund.

Personal Service by \$114,270 from \$10,276,375 to \$10,162,105 from Federal Funds.
Expense and Equipment by \$102,485 from \$1,426,695 to \$1,324,210 from Federal Funds.
From \$11,703,070 to \$11,486,315 in total from Federal Funds.
From \$21,739,128 to \$21,305,618 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.805.— To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of providing naturalization assistance to refugees and/or
legal immigrants who: have resided in Missouri more than five years,
are unable to benefit or attend classroom instruction, and who require
special assistance to successfully attain the requirements to become a
citizen. Services may include direct tutoring, assistance with identifying
and completing appropriate waiver requests to the Immigration and

Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not for profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare

From General Revenue Fund..... \$200,000

SECTION 10.810.— To the Department of Health and Senior Services For the Division of Senior and Disability Services For the purpose of funding non-Medicaid reimbursable senior and disability programs

From General Revenue Fund..... \$1,083,401
 From Federal Funds..... 667,028
 Total..... \$1,750,429

***SECTION 10.815.**— To the Department of Health and Senior Services For the Division of Senior and Disability Services For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services, and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

From General Revenue Fund..... \$235,483,417
 From Federal Funds..... 487,180,696
 From Missouri Senior Services Protection Fund..... 25,000

For the purpose of funding the Medicaid Home and Community-Based Services Program reassessments

From General Revenue Fund..... 1,500,000
 From Federal Funds..... 1,500,000
 Total..... \$725,689,113

*I hereby veto \$17,290,618, including \$6,381,103 general revenue, including \$14,406,689 for a rate increase for in-home and community-based providers and \$2,883,929 for a rate increase for in-home private duty nursing providers.

For respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services, and programs.

From \$235,483,417 to \$229,102,314 from General Revenue Fund.
 From \$487,180,696 to \$476,271,181 from Federal Funds.
 From \$725,689,113 to \$708,398,495 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 10.820.**— To the Department of Health and Senior Services
 For the Division of Senior and Disability Services
 For the purpose of funding Alzheimer's grants, provided that \$175,000 be
 used to fund grants to non-profit organization for services to individuals
 with Alzheimer's Disease and their caregivers, and caregiver training
 programs which includes in-home visits and has proven to reduce state
 health care costs and delayed institutionalization

From General Revenue Fund.	\$625,000
From Federal Funds.	367,000
Total.	<u>\$992,000</u>

*I hereby veto \$125,000 general revenue for Alzheimer's grants.

From \$625,000 to \$500,000 from General Revenue Fund.
 From \$992,000 to \$867,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 10.825.**— To the Department of Health and Senior Services
 For the Division of Senior and Disability Services
 For the purpose of funding Home and Community Services grants, including
 funding for meals to be distributed to each Area Agency on Aging in
 proportion to the actual number of meals served during the preceding
 fiscal year, provided that at least \$500,000 of general revenue be used
 for non-Medicaid meals to be distributed to each Area Agency on Aging
 in proportion to the actual number of meals served during the preceding
 fiscal year

From General Revenue Fund.	\$11,405,720
From Federal Funds.	35,000,000
From Elderly Home-Delivered Meals Trust Fund.	62,958
Total.	<u>\$46,468,678</u>

*I hereby veto \$400,000 general revenue for congregate and home-delivered meals.

For Home and Community Services grants.
 From \$11,405,720 to \$11,005,720 from General Revenue Fund.
 From \$46,468,678 to \$46,068,678 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 10.826.**— To the Department of Health and Senior Services
 For the Division of Senior and Disability Services
 For the purpose of funding operational costs for the senior nutrition center
 located in the 800 block of West Union Street in a city of the fourth
 classification with more than seven thousand but fewer than eight
 thousand inhabitants and partially located in any county of the first

classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants
 From General Revenue Fund. \$50,000

*I hereby veto \$50,000 general revenue for the Pacific Senior Center.

Said section is vetoed in its entirety from \$50,000 to \$0 from General Revenue Fund.
 From \$50,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.830.— To the Department of Health and Senior Services
 For the Division of Senior and Disability Services
 For the purpose of funding Naturally Occurring Retirement Communities
 From General Revenue Fund. \$200,000

SECTION 10.900.— To the Department of Health and Senior Services
 For the Division of Regulation and Licensure
 For the purpose of funding program operations and support
 Personal Service. \$8,545,640
 Expense and Equipment. 776,743
 From General Revenue Fund. 9,322,383

Personal Service. 11,787,605
 Expense and Equipment. 1,083,024
 From Federal Funds 12,870,629

Personal Service. 866,630
 Expense and Equipment 1,022,832
 From Nursing Facility Quality of Care Fund 1,889,462

Personal Service. 74,956
 Expense and Equipment 10,970
 From Health Access Incentive Fund. 85,926

Personal Service. 63,781
 Expense and Equipment 13,110
 From Mammography Fund. 76,891

Personal Service. 214,400
 Expense and Equipment. 57,197
 From Early Childhood Development, Education and Care Fund. 271,597

For nursing home quality initiatives
 From Nursing Facility Federal Reimbursement Allowance Fund. 725,000
 Total (Not to exceed 460.96 F.T.E.). \$25,241,888

SECTION 10.905.— To the Department of Health and Senior Services
 For the Division of Regulation and Licensure
 For the purpose of funding activities to improve the quality of childcare,
 increase the availability of early childhood development programs, before-
 and after-school care, in-home services for families with newborn children,

and for general administration of the program
From Federal Funds. \$461,675

SECTION 10.910.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding program operations and support for the Missouri
Health Facilities Review Committee
Personal Service. \$107,375
Expense and Equipment. 8,568
From General Revenue Fund (Not to exceed 2.00 F.T.E.). \$115,943

Department of Mental Health Totals

General Revenue Fund. \$733,027,436
Federal Funds. 1,028,548,600
Other Funds. 59,438,122
Total. \$1,821,014,158

Department of Health & Senior Services Totals

General Revenue Fund. \$293,511,799
Federal Funds. 886,133,488
Other Funds. 19,541,552
Total. \$1,199,186,839

Approved June 24, 2014

HB 2011 [CCS SS SCS HCS HB 2011]

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

APPROPRIATIONS: DEPARTMENT OF SOCIAL SERVICES

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Social Services shall employ no more than 1,753.87 full-time equivalent (FTE) employees from the General Revenue Fund.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

SECTION 11.005.— To the Department of Social Services

For the Office of the Director

Personal Service.	\$106,716
Annual salary adjustment in accordance with Section 105.005, RSMo	688
Expense and Equipment.	35,684
From General Revenue Fund.	<u>143,088</u>

Personal Service.	143,422
Annual salary adjustment in accordance with Section 105.005, RSMo	25
Expense and Equipment.	1,197
From Federal Funds	<u>144,644</u>

Personal Service.	30,685
Annual salary adjustment in accordance with Section 105.005, RSMo.	88
From Child Support Enforcement Fund.	<u>30,773</u>
Total (Not to exceed 3.25 F.T.E.).	<u>\$318,505</u>

***SECTION 11.007.**— To the Department of Social Services

For the Office of the Director

For the purpose of funding a department data feed with the Missouri

Law Enforcement Data Exchange (MoDEX)

From General Revenue Fund.	\$125,000
From Federal Funds	<u>125,000</u>
Total.	<u>\$250,000</u>

*I hereby veto \$250,000, including \$125,000 general revenue for the purpose of funding a data feed with the Missouri Law Enforcement Data Exchange (MoDEX).

Said section is vetoed in its entirety.

From \$125,000 to \$0 from General Revenue Fund.

From \$125,000 to \$0 from Federal Funds.

From \$250,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR**SECTION 11.010.**— To the Department of Social Services

For the Office of the Director

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

From Federal Funds.	\$9,443,552
From Family Services Donations Fund.	33,999
Total.	<u>\$9,477,551</u>

SECTION 11.015.— To the Department of Social Services

For the Office of the Director

For the Human Resources Center

Personal Service.	\$276,310
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Expense and Equipment.	11,740
From General Revenue Fund.	<u>288,050</u>

Personal Service.	196,818
Expense and Equipment.	35,889
From Federal Funds.	<u>232,707</u>
Total (Not to exceed 11.52 F.T.E.).	<u>\$520,757</u>

SECTION 11.020.— To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

Personal Service.	\$1,215,296
Expense and Equipment.	197,423
From General Revenue Fund.	<u>1,412,719</u>

Personal Service.	1,571,468
Expense and Equipment.	860,039
From Federal Funds.	<u>2,431,507</u>

Personal Service.	353,271
Expense and Equipment.	82,087
From Recovery Audit and Compliance Fund.	<u>435,358</u>

Expense and Equipment	
From Medicaid Provider Enrollment Fund.	51,500
Total (Not to exceed 82.00 F.T.E.).	<u>\$4,331,084</u>

SECTION 11.025.— To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For the purpose of funding a case management, provider enrollment, and a fraud abuse and detection system

Expense and Equipment	
From General Revenue Fund.	\$683,695
From Federal Funds.	<u>3,969,576</u>
Total.	<u>\$4,653,271</u>

SECTION 11.030.— To the Department of Social Services

For the Office of the Director

For the purpose of funding recovery audit services

Expense and Equipment	
From Recovery Audit and Compliance Fund.	\$1,200,000

SECTION 11.040.— To the Department of Social Services

For the Division of Finance and Administrative Services

Personal Service.	\$1,822,337
Expense and Equipment.	404,025
From General Revenue Fund.	<u>2,226,362</u>

Personal Service.	1,056,729
Expense and Equipment.	249,144
From Federal Funds.	<u>1,305,873</u>

Personal Service.	4,048
Expense and Equipment.	317
From Department of Social Services Administrative Trust Fund.	<u>4,365</u>

Personal Service	
From Child Support Enforcement Fund.	48,847

For the purpose of funding the centralized inventory system, for reimbursable goods and services provided by the department, and for related equipment replacement and maintenance expenses	
Expense and Equipment	
From Department of Social Services Administrative Trust Fund.	1,500,000
Total (Not to exceed 72.00 F.T.E.)	<u>\$5,085,447</u>

SECTION 11.045.— To the Department of Social Services
For the Division of Finance and Administrative Services
For the payment of fees to contractors who engage in revenue maximization
projects on behalf of the Department of Social Services

Expense and Equipment	
From Federal Funds.	\$5,250,000

SECTION 11.050.— To the Department of Social Services
For the Division of Finance and Administrative Services
For the purpose of funding the receipt and disbursement of refunds and
incorrectly deposited receipts to allow the over-collection of accounts
receivables to be paid back to the recipient

From Federal Funds.	\$12,055,000
From Pharmacy Rebates Fund.	25,000
From Third Party Liability Collections Fund.	369,000
From Premium Fund.	<u>2,650,000</u>
Total.	<u>\$15,099,000</u>

SECTION 11.055.— To the Department of Social Services
For the Division of Finance and Administrative Services
For the purpose of funding payments to counties and the City of St. Louis
toward the care and maintenance of each delinquent or dependent child
as provided in Section 211.156, RSMo

From General Revenue Fund.	\$1,900,000
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SECTION 11.060.— To the Department of Social Services
For the Division of Legal Services

Personal Service.	\$1,668,809
Expense and Equipment.	36,075
From General Revenue Fund.	<u>1,704,884</u>

Personal Service.	3,075,850
Expense and Equipment.	<u>665,910</u>
From Federal Funds	3,741,760

Personal Service.	572,943
Expense and Equipment	<u>114,724</u>
From Third Party Liability Collections Fund.	687,667

Personal Service	
From Child Support Enforcement Fund.....	168,488
Total (Not to exceed 125.97 F.T.E.)	<u>\$6,302,799</u>

SECTION 11.065.— To the Department of Social Services

For the Family Support Division	
Personal Service.....	\$655,481
Expense and Equipment.....	8,944
From General Revenue Fund.....	<u>664,425</u>

Personal Service.....	5,247,585
Expense and Equipment	13,937,762
From Federal Funds	<u>19,185,347</u>

Personal Service.....	1,287,312
From Child Support Enforcement Fund.....	<u>1,287,312</u>
Total (Not to exceed 168.46 F.T.E.)	<u>\$21,137,084</u>

SECTION 11.070.— To the Department of Social Services

For the Family Support Division	
For the income maintenance field staff and operations	
Personal Service.....	\$15,325,027
Expense and Equipment.....	3,469,428
From General Revenue Fund.....	<u>18,794,455</u>

Personal Service.....	51,588,214
Expense and Equipment	10,704,813
From Federal Funds	<u>62,293,027</u>

Personal Service.....	794,566
Expense and Equipment.....	27,917
From Health Initiatives Fund.....	<u>822,483</u>
Total (Not to exceed 2,058.73 F.T.E.)	<u>\$81,909,965</u>

SECTION 11.075.— To the Department of Social Services

For the Family Support Division	
For income maintenance and child support staff training	
Expense and Equipment	
From General Revenue Fund.....	\$120,950
From Federal Funds.....	133,974
Total.....	<u>\$254,924</u>

SECTION 11.080.— To the Department of Social Services

For the Family Support Division	
For the purpose of funding the electronic benefit transfers (EBT) system	
Expense and Equipment	
From General Revenue Fund.....	\$2,049,598
From Federal Funds.....	1,546,747
Total.....	<u>\$3,596,345</u>

SECTION 11.085.— To the Department of Social Services

For the Family Support Division

For the purpose of funding the receipt of funds from the Polk County
and Bolivar Charitable Trust for the exclusive benefit and use of the
Polk County Office
From Family Support and Children's Divisions Donations Fund. \$10,000

SECTION 11.090.— To the Department of Social Services

For the Family Support Division
For the purpose of funding contractor, hardware, and other costs associated
with planning, development, and implementation of a Family Assistance
Management Information System (FAMIS)
Expense and Equipment
From General Revenue Fund. \$612,184
From Federal Funds. 3,222,371
Total. \$3,834,555

SECTION 11.095.— To the Department of Social Services

For the Family Support Division
For the purpose of planning, designing, and purchasing an eligibility and
enrollment system
Personal Service. \$382,370
Expense and Equipment 7,667,615
From General Revenue Fund. 8,049,985

Personal Service. 3,441,326
Expense and Equipment 60,018,305
From Federal Funds 63,459,631

Expense and Equipment
From Health Initiatives Fund. 1,000,000
Total. \$72,509,616

***SECTION 11.100.**— To the Department of Social Services

For the Family Support Division
For the purpose of funding Community Partnerships
Personal Service
From General Revenue Fund. \$96,426

For grants and contracts to Community Partnerships and other community
initiatives and related expenses
From General Revenue Fund. 523,800
From Federal Funds 7,483,799

For the Missouri Mentoring Partnership, provided that \$75,000 shall be used
to support an earn and learn program serving disadvantaged youth in the
northern portion of a county with a charter form of government and with
more than nine hundred fifty thousand inhabitants
From General Revenue Fund. 708,700
From Federal Funds 935,000

For the purpose of funding a program for adolescents with the goal of
preventing teen pregnancies
From Federal Funds. 600,000

Total (Not to exceed 2.00 F.T.E.). \$10,347,725

*I hereby veto \$858,700, including \$708,700 general revenue for the Missouri Mentoring Partnership.

For the Missouri Mentoring Partnership.
 From \$708,700 to \$0 from General Revenue Fund.
 From \$935,000 to \$785,000 from Federal Funds.
 From \$10,347,725 to \$9,489,025 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.105.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding the Family Nutrition Education Program
 From Federal Funds. \$12,981,261

SECTION 11.110.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding Temporary Assistance for Needy Families
 (TANF) benefits; transitional benefits; payments to qualified agencies
 for TANF or TANF Maintenance of Effort activities; and for work
 support programs to help increase TANF work participation provided
 that total funding herein is sufficient to fund TANF benefits
 From General Revenue Fund. \$10,332,291
 From Federal Funds. 135,559,544
 Total. \$145,891,835

SECTION 11.115.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding supplemental payments to aged or disabled persons
 From General Revenue Fund. \$35,665

SECTION 11.120.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding nursing care payments to aged, blind, or disabled
 persons, and for personal funds to recipients of Supplemental Nursing
 Care payments as required by Section 208.030, RSMo
 From General Revenue Fund. \$25,107,395

SECTION 11.125.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding Blind Pension and supplemental payments to
 blind persons
 From Blind Pension Fund. \$34,313,866

SECTION 11.128.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding healthcare benefits for non-Medicaid eligible
 blind individuals who receive the Missouri Blind Pension cash grant,
 provided that individuals under this section shall pay the following
 premiums to be eligible to receive such services: zero percent on the

amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent on the amount of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program

From General Revenue Fund.....	\$24,256,396
From Pharmacy Reimbursement Allowance Fund.....	1,097,207
From Blind Pension Premium Fund.....	6,556,078
Total.....	\$31,909,681

SECTION 11.130.— To the Department of Social Services
For the Family Support Division
For the purpose of funding benefits and services as provided by the
Indochina Migration and Refugee Assistance Act of 1975 as amended
From Federal Funds..... \$3,806,226

SECTION 11.135.— To the Department of Social Services
For the Family Support Division
For the purpose of funding community services programs provided by
Community Action Agencies, including programs to assist the
homeless, under the provisions of the Community Services Block Grant
From Federal Funds..... \$19,637,000

SECTION 11.140.— To the Department of Social Services
For the Family Support Division
For the purpose of funding the Emergency Solutions Grant Program
From Federal Funds..... \$2,630,000

SECTION 11.145.— To the Department of Social Services
For the Family Support Division
For the purpose of funding the Surplus Food Distribution Program and the
receipt and disbursement of Donated Commodities Program payments
From Federal Funds..... \$1,500,000

SECTION 11.150.— To the Department of Social Services
For the Family Support Division
For the purpose of funding the Low-Income Home Energy Assistance
Program, provided that ten percent (10%), up to \$7,000,000, be used
for the Low-Income Weatherization Assistance Program (LIWAP)
administered by the Division of Energy within the Department of
Economic Development
From Federal Funds..... \$114,547,867

***SECTION 11.152.**— There is transferred out of the State Treasury, chargeable
to the General Revenue Fund, to the Utilicare Stabilization Fund
From General Revenue Fund..... \$4,000,000

*I hereby veto \$4,000,000 general revenue for transfer to the Utilicare Stabilization Fund.

Said section is vetoed in its entirety from \$4,000,000 to \$0 from General Revenue Fund.
From \$4,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 11.153.**— To the Department of Social Services
For the Utilicare Program
From Utilicare Stabilization Fund. \$4,000,000

*I hereby veto \$4,000,000 Utilicare Stabilization Fund for the Utilicare Program.

Said section is vetoed in its entirety from \$4,000,000 to \$0 from Utilicare Stabilization Fund.
From \$4,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.155.— To the Department of Social Services
For the Family Support Division
For the purpose of funding services and programs to assist victims of
domestic violence
From General Revenue Fund. \$4,750,000
From Federal Funds. 3,716,524
Total. \$8,466,524

SECTION 11.156.— To the Department of Social Services
For the Family Support Division
For the purpose of funding emergency shelter services to assist victims of
domestic violence
From Federal Funds. \$562,137

***SECTION 11.157.**— To the Department of Social Services
For the Family Support Division
For the purpose of funding services and programs to assist victims of
sexual assault
From General Revenue Fund. \$500,000

*I hereby veto \$500,000 general revenue for sexual assault victim assistance services and programs.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.160.— To the Department of Social Services
For the Family Support Division
For the purpose of funding administration of blind services
Personal Service. \$822,973
Expense and Equipment 141,209
From General Revenue Fund. 964,182

Personal Service.	2,993,005
Expense and Equipment.	743,274
From Federal Funds.	<u>3,736,279</u>
Total (Not to exceed 103.69 F.T.E.).	\$4,700,461

SECTION 11.165.— To the Department of Social Services
For the Family Support Division
For the purpose of funding services for the visually impaired

From General Revenue Fund.	\$1,578,544
From Federal Funds	6,372,075
From Family Support and Children's Divisions Donations Fund.	99,995
From Blindness Education, Screening and Treatment Program Fund.	<u>349,000</u>
Total.	\$8,399,614

SECTION 11.170.— To the Department of Social Services
For the Family Support Division
For the purpose of supporting business enterprise programs for the blind

From Federal Funds.	\$30,000,000
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SECTION 11.175.— To the Department of Social Services
For the Family Support Division
For the purpose of funding Child Support Enforcement field staff and operations

Expense and Equipment	
From General Revenue Fund.	\$2,695,643

Personal Service.	18,868,746
Expense and Equipment.	5,709,213
From Federal Funds	<u>24,577,959</u>

Personal Service.	5,279,268
Expense and Equipment.	2,439,459
From Child Support Enforcement Fund.	<u>7,718,727</u>
Total (Not to exceed 763.24 F.T.E.).	\$34,992,329

SECTION 11.180.— To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support enforcement services and for incentive payments to local governments

From General Revenue Fund.	\$1,957,744
From Federal Funds	14,886,582
From Child Support Enforcement Fund.	<u>800,424</u>
Total.	\$17,644,750

SECTION 11.185.— To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, incentive payments to other states, refunds of bonds, refunds of support payments or overpayments, and distributions to families

From Federal Funds.	\$86,500,000
From Debt Offset Escrow Fund	9,000,000
Total.	<u>\$95,500,000</u>

SECTION 11.190.— There is transferred out of the State Treasury from the Debt Offset Escrow Fund to the Department of Social Services Federal and Other Fund and/or the Child Support Enforcement Fund

From Debt Offset Escrow Fund.	\$1,200,000
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SECTION 11.195.— To the Department of Social Services
For the Children's Division

Personal Service.	\$768,900
Expense and Equipment.	44,741
From General Revenue Fund.	<u>813,641</u>

Personal Service.	3,209,913
Expense and Equipment	2,674,579
From Federal Funds	<u>5,884,492</u>

Personal Service.	45,588
Expense and Equipment	11,548
From Early Childhood Development, Education and Care Fund.	<u>57,136</u>

Expense and Equipment	
From Third Party Liability Collections Fund.	50,000
Total (Not to exceed 89.50 F.T.E.).	<u>\$6,805,269</u>

SECTION 11.200.— To the Department of Social Services
For the Children's Division
For the Children's Division field staff and operations

Personal Service.	\$31,049,665
Expense and Equipment.	3,078,609
From General Revenue Fund.	<u>34,128,274</u>

Personal Service.	44,697,294
Expense and Equipment.	5,055,048
From Federal Funds	<u>49,752,342</u>

Personal Service.	70,728
Expense and Equipment	27,846
From Health Initiatives Fund	<u>98,574</u>

For the purpose of funding a two-year pilot program for full privatization of recruitment and retention services in two areas of the state in which one site should be a location that already has a strong contractor presence and the second site should have little or no existing contractor presence

From General Revenue Fund.	572,787
From Federal Funds.	793,132
Total (Not to exceed 1,954.38 F.T.E.).	<u>\$85,345,109</u>

SECTION 11.205.— To the Department of Social Services
For the Children's Division

For Children's Division staff training Expense and Equipment	
From General Revenue Fund.....	\$750,989
From Federal Funds.....	373,769
Total.....	<u>\$1,124,758</u>

***SECTION 11.210.**— To the Department of Social Services

For the Children's Division

For the purpose of funding children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services

From General Revenue Fund.....	\$10,308,325
From Federal Funds.....	8,409,696

For the purpose of funding crisis care

From General Revenue Fund.....	2,050,000
Total.....	<u>\$20,768,021</u>

*I hereby veto \$217,796 general revenue to increase children's treatment service provider rates.

For children's treatment services.

From \$10,308,325 to \$10,090,529 from General Revenue Fund.

From \$20,768,021 to \$20,550,225 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 11.215.— To the Department of Social Services

For the Children's Division

For the purpose of funding grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division

From General Revenue Fund.....	\$1,190,000
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For the purpose of funding certificates to low-income, at-home families pursuant to Chapter 313, RSMo

From Early Childhood Development, Education and Care Fund.....	3,074,500
Total.....	<u>\$4,264,500</u>

***SECTION 11.220.**— To the Department of Social Services

For the Children's Division

For the purpose of funding placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families

From General Revenue Fund.....	\$75,277,335
From Federal Funds.....	47,281,187

For the purpose of funding a HIPAA compliant, patient-centered, Internet-based health record system for foster children

From General Revenue Fund.	375,000
From Federal Funds	375,000

For the purpose of funding placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri related to the treatment of foster children	
From General Revenue Fund.	114,330
From Federal Funds	185,670

For the purpose of funding awards to licensed community-based foster care and adoption recruitment programs	
From Foster Care and Adoptive Parents Recruitment and Retention Fund. . .	5,000
Total.	<u>\$123,613,522</u>

*I hereby veto \$3,819,746, including \$2,002,547 general revenue, including \$2,769,746 for foster care, residential treatment service, and related service provider rate increases; \$750,000 for an Internet-based health record system for foster children; and \$300,000 for an outdoor residential treatment program for foster children.

For placement costs including foster care payments.
From \$75,277,335 to \$73,764,118 from General Revenue Fund.
From \$47,281,187 to \$46,024,658 from Federal Funds.

For a HIPAA compliant, patient-centered, Internet-based health record system for foster children.
From \$375,000 to \$0 from General Revenue Fund.
From \$375,000 to \$0 from Federal Funds.

For placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri.
From \$114,330 to \$0 from General Revenue Fund.
From \$185,670 to \$0 from Federal Funds.
From \$123,613,522 to \$119,793,776 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 11.223.**— To the Department of Social Services
For the Children's Division

For the purpose of funding three Social Innovation Project Grants; these grants shall be awarded to the top three applications for an eighteen month period over which time the grantee shall demonstrate a replicable program which successfully reduces the number of families in the child welfare system who fit the following criteria: the family is part of a cycle of poverty which is generational; the family has been referred to the child welfare system for foster care or other intensive services; the family has few stable environmental resources, including housing and employment; and, the family has a history with substance abuse. Bids shall be assessed by an expert panel comprised, in equal numbers, of leading academics, professionals with substantial experience in delivering services to children and families in this environment, and leading professional staff of the department. Bidders shall provide evaluation and reporting of their project to the panel on a regular basis. At the end of the grants, the panel shall

choose either a winning program or develop a hybrid of the best programs,
which shall be presented to the General Assembly and the Governor for
deployment

From General Revenue Fund..	\$1,000,000
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*I hereby veto \$1,000,000 general revenue for Social Innovation Project Grants.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from General Revenue Fund.
From \$1,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 11.225.**— To the Department of Social Services

For the Children's Division

For the purpose of funding contractual payments for expenses related to
training of foster parents

From General Revenue Fund..	\$603,479
From Federal Funds.	172,920
Total.	<u>\$776,399</u>

*I hereby veto \$200,000 general revenue for training of foster parents.

From \$603,479 to \$403,479 from General Revenue Fund.
From \$776,399 to \$576,399 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.230.— To the Department of Social Services

For the Children's Division

For the purpose of funding costs associated with attending post-secondary
education including, but not limited to tuition, books, fees, room, and
board for current or former foster youth

From General Revenue Fund..	\$188,848
From Federal Funds.	1,050,000
Total.	<u>\$1,238,848</u>

SECTION 11.235.— To the Department of Social Services

For the Children's Division

For the purpose of providing comprehensive case management contracts
through community-based organizations as described in Section 210.112,
RSMo. The purpose of these contracts shall be to provide a system of
care for children living in foster care, independent living, or residential
care settings. Services eligible under this provision may include, but are
not limited to, case management, foster care, residential treatment,
intensive in-home services, family reunification services, and specialized
recruitment and training of foster care families

From General Revenue Fund..	\$19,765,670
From Federal Funds.	15,321,233
Total.	<u>\$35,086,903</u>

SECTION 11.240.— To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption and Guardianship subsidy payments and related services	
From General Revenue Fund.	\$55,314,768
From Federal Funds	22,269,509
Total.	<u>\$77,584,277</u>

SECTION 11.245.— To the Department of Social Services

For the Children's Division	
For the purpose of funding Adoption Resource Centers	
From General Revenue Fund.	\$100,000
From Federal Funds	200,000

For the purpose of funding an adoption resource center in central Missouri and one center in Southwest Missouri	
From Federal Funds	300,000

For the purpose of funding extreme recruitment for older youth with significant mental health and behavioral issues through the two current adoption resource centers	
From Federal Funds.	600,000
Total.	<u>\$1,200,000</u>

SECTION 11.250.— To the Department of Social Services

For the Children's Division	
For the purpose of funding independent living placements and transitional living services	
From General Revenue Fund.	\$2,097,584
From Federal Funds.	3,821,203
Total.	<u>\$5,918,787</u>

SECTION 11.255.— To the Department of Social Services

For the Children's Division	
For the purpose of funding Regional Child Assessment Centers	
From General Revenue Fund.	\$1,498,952
From Federal Funds	800,000
From Health Initiative Fund.	501,048
Total	<u>\$2,800,000</u>

SECTION 11.260.— To the Department of Social Services

For the Children's Division	
For the purpose of funding residential placement payments to counties for children in the custody of juvenile courts	
From Federal Funds.	\$400,000

SECTION 11.265.— To the Department of Social Services

For the Children's Division	
For the purpose of funding CASA IV-E allowable training costs Expense and Equipment	
From Federal Funds.	\$200,000

SECTION 11.270.— To the Department of Social Services

For the Children's Division

For the purpose of funding the Child Abuse and Neglect Prevention Grant
and Children's Justice Act Grant
From Federal Funds. \$188,316

SECTION 11.275.— To the Department of Social Services
For the Children's Division
For the purpose of funding transactions involving personal funds of children
in the custody of the Children's Division
From Alternative Care Trust Fund. \$15,000,000

SECTION 11.280.— To the Department of Social Services
For the Children's Division
For the Head Start Collaboration Program
From Federal Funds. \$300,000

***SECTION 11.285.**— To the Department of Social Services
For the Children's Division
For the purpose of funding child care services, the general administration of
the programs, including development and implementation of automated
systems to enhance time, attendance reporting, contract compliance and
payment accuracy, and to support the Educare Program
From General Revenue Fund. \$66,242,684
From Federal Funds 116,406,107
From Early Childhood Development, Education and Care Fund. 2,676,737

Personal Service
From General Revenue Fund. 15,288

Personal Service
From Federal Funds 512,688

For the purpose of funding early childhood development, education, and care
programs for low-income families pursuant to Chapter 313, RSMo
From Early Childhood Development, Education and Care Fund. 3,500,000

For the purpose of funding the Hand Up pilot program
From General Revenue Fund. 40,000
From Federal Funds. 60,000
Total (Not to exceed 13.00 F.T.E.). \$189,453,504

*I hereby veto \$100,000 including \$40,000 general revenue for the purpose of funding the Hand
Up pilot program.

For the Hand Up pilot program.
From \$40,000 to \$0 from General Revenue Fund.
From \$60,000 to \$0 from Federal Funds.
From \$189,453,504 to \$189,353,504 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.290.— To the Department of Social Services
For the Division of Youth Services

For the purpose of funding Central Office and Regional Offices	
Personal Service.....	\$1,259,186
Expense and Equipment.....	91,894
From General Revenue Fund.....	<u>1,351,080</u>
Personal Service.....	521,452
Expense and Equipment.....	107,981
From Federal Funds.....	<u>629,433</u>
Expense and Equipment	
From Youth Services Treatment Fund.....	999
Total (Not to exceed 41.33 F.T.E.).....	<u>\$1,981,512</u>
*SECTION 11.295. — To the Department of Social Services	
For the Division of Youth Services	
For the purpose of funding treatment services, including foster care and contractual payments	
Personal Service.....	\$16,579,709
Expense and Equipment.....	940,929
From General Revenue Fund.....	<u>17,520,638</u>
Personal Service.....	23,123,881
Expense and Equipment.....	6,522,500
From Federal Funds.....	<u>29,646,381</u>
Personal Service.....	3,158,012
Expense and Equipment.....	3,852,302
From DOSS Educational Improvement Fund.....	<u>7,010,314</u>
Personal Service.....	132,708
Expense and Equipment.....	9,106
From Health Initiatives Fund.....	<u>141,814</u>
Expense and Equipment	
From Youth Services Products Fund.....	5,000
For the purpose of paying overtime to nonexempt state employees and/or paying otherwise authorized personal service expenditures in lieu of such overtime payments. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees	
From General Revenue Fund.....	863,395
Total (Not to exceed 1,237.88 F.T.E.).....	<u>\$55,187,542</u>

*I hereby veto \$29,836 general revenue for increasing youth treatment service provider rates.

For treatment services, including foster care and contractual payments.
Expense and Equipment by \$29,836 from \$940,929 to \$911,093 General Revenue Fund.
From \$17,520,638 to \$17,490,802 from General Revenue Fund.
From \$55,187,542 to \$55,157,706 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 11.300.— To the Department of Social Services
 For the Division of Youth Services
 For the purpose of funding incentive payments to counties for community-
 based treatment programs for youth

From General Revenue Fund.....	\$3,579,486
From Gaming Commission Fund.....	500,000
Total.....	<u>\$4,079,486</u>

SECTION 11.400.— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding administrative services

Personal Service.....	\$2,772,338
Expense and Equipment.....	771,400
From General Revenue Fund.....	<u>3,543,738</u>

Personal Service.....	5,388,732
Expense and Equipment.....	3,390,526
From Federal Funds.....	<u>8,779,258</u>

Personal Service.....	95,212
Expense and Equipment.....	7,708
From Federal Reimbursement Allowance Fund.....	<u>102,920</u>

Personal Service.....	25,939
Expense and Equipment.....	356
From Pharmacy Reimbursement Allowance Fund.....	<u>26,295</u>

Personal Service.....	419,561
Expense and Equipment.....	41,385
From Health Initiatives Fund.....	<u>460,946</u>

Personal Service.....	83,871
Expense and Equipment.....	10,281
From Nursing Facility Quality of Care Fund.....	<u>94,152</u>

Personal Service.....	388,427
Expense and Equipment.....	488,041
From Third Party Liability Collections Fund.....	<u>876,468</u>

Personal Service.....	755,793
Expense and Equipment.....	55,553
From Missouri Rx Plan Fund.....	<u>811,346</u>

Personal Service.....	17,904
Expense and Equipment.....	3,466
From Ambulance Service Reimbursement Allowance Fund.....	<u>21,370</u>
Total (Not to exceed 234.11 F.T.E.).....	<u>\$14,716,493</u>

SECTION 11.405.— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding clinical services management related to the
 administration of the MO HealthNet Pharmacy fee-for-service and

managed care programs and administration of the Missouri Rx Plan Expense and Equipment	
From General Revenue Fund.	\$476,154
From Federal Funds	12,214,032
From Third Party Liability Collections Fund.	924,911
From Missouri Rx Plan Fund.	4,160,595
Total.	<u>\$17,775,692</u>

SECTION 11.410.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding women and minority health care outreach programs

Expense and Equipment	
From General Revenue Fund.	\$546,125
From Federal Funds.	568,625
Total.	<u>\$1,114,750</u>

SECTION 11.415.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding fees associated with third-party collections
and other revenue maximization cost avoidance fees

Expense and Equipment	
From Federal Funds.	\$3,000,000
From Third Party Liability Collections Fund.	3,000,000
Total.	<u>\$6,000,000</u>

SECTION 11.420.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding the operation of the information systems

From General Revenue Fund.	\$5,713,940
From Federal Funds	31,666,963
From Health Initiatives Fund	1,591,687
From Uncompensated Care Fund	430,000

For the purpose of funding the modernization of the Medicaid
Management Information System (MMIS) and the operation of
the information systems

Expense and Equipment	
From Federal Funds	12,033,387
Total.	<u>\$51,435,977</u>

***SECTION 11.422.**— To the Department of Social Services

For the MO HealthNet Division

For the Fraud/Abuse Prevention and Detection System

For the purpose of funding a state-of-the-art integrated healthcare fraud,
waste and abuse system with HITRUST certification that includes
predictive modeling and analytics with a prepayment review
component that is accessible via the web with the capability to
measure return investment performance

From General Revenue Fund.	\$3,000,000
From Federal Funds	9,000,000
Total.	<u>\$12,000,000</u>

*I hereby veto \$12,000,000 including \$3,000,000 general revenue for an integrated healthcare fraud, waste and abuse system.

Said section is vetoed in its entirety.
 From \$3,000,000 to \$0 from General Revenue Fund.
 From \$9,000,000 to \$0 from Federal Funds.
 From \$12,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 11.425.— To the Department of Social Services
 For the MO HealthNet Division
 For Healthcare Technology Incentives and administration
 From Federal Stimulus-Social Services Fund. \$85,000,000

SECTION 11.430.— To the Department of Social Services
 For the MO HealthNet Division
 For the Money Follows the Person Program
 From Federal Funds. \$532,549

SECTION 11.435.— To the Department of Social Services
 For the MO HealthNet Division
 For the Adult Medicaid Quality Grant
 From Federal Funds. \$1,000,000

***SECTION 11.440.**— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding pharmaceutical payments under the MO
 HealthNet fee-for-service and managed care programs and for the
 administration of these programs and for the purpose of funding
 professional fees for pharmacists and for a comprehensive chronic
 care risk management program and to provide funding for clinical
 medication therapy services (MTS) provided by pharmacists with
 MTS Certificates as allowed under 338.010 RSMo to MO
 HealthNet (MHD) participants
 From General Revenue Fund. \$22,914,422
 From Federal Funds 627,867,981
 From Life Sciences Research Trust Fund 38,056,250
 From Pharmacy Rebates Fund 186,397,118
 From Third Party Liability Collections Fund. 4,217,574
 From Pharmacy Reimbursement Allowance Fund 70,595,023
 From Health Initiatives Fund 969,293
 From Healthy Families Trust Fund 38,541,034
 From Premium Fund. 3,800,000
 From Surplus Revenue Fund. 10,000,000

For the purpose of funding Medicare Part D Clawback payments and for
 funding MO HealthNet pharmacy payments
 From General Revenue Fund. 173,348,532

For the purpose of funding pharmaceutical payments under the Missouri
 Rx Plan authorized by Sections 208.780 through 208.798, RSMo

From General Revenue Fund	6,370,046
From Missouri Rx Plan Fund	12,544,388
From Healthy Families Trust Fund	4,838,657
Total	<u>\$1,200,460,318</u>

*I hereby veto \$500,000 general revenue for clinical medication therapy services.

From \$22,914,422 to \$22,414,422 from General Revenue Fund.
From \$1,200,460,318 to \$1,199,960,318 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.445.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Pharmacy Reimbursement Allowance payments
as provided by law
From Pharmacy Reimbursement Allowance Fund \$108,308,926

SECTION 11.450.— There is transferred out of the State Treasury from the
General Revenue Fund to the Pharmacy Reimbursement Allowance Fund
From General Revenue Fund \$35,764,609

SECTION 11.455.— There is transferred out of the State Treasury from the
Pharmacy Reimbursement Allowance Fund to the General Revenue Fund
as a result of recovering the Pharmacy Reimbursement Allowance Fund
From Pharmacy Reimbursement Allowance Fund \$35,764,609

***SECTION 11.460.**— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding physician services and related services including,
but not limited to, clinic and podiatry services, telemedicine services,
physician-sponsored services and fees, laboratory and x-ray services,
and family planning services under the MO HealthNet fee-for-service
and managed care programs, and for administration of these programs,
and for a comprehensive chronic care risk management program and
Major Medical Prior Authorization
From General Revenue Fund \$206,613,324
From Federal Funds 468,567,177
From Pharmacy Reimbursement Allowance Fund 10,000
From Health Initiatives Fund 1,427,081
From Healthy Families Trust Fund 6,041,034
Total \$682,658,616

*I hereby veto \$10,838,640 including \$4,000,000 general revenue for the continuation of a
physicians' rate increase.

From \$206,613,324 to \$202,613,324 from General Revenue Fund.
From \$468,567,177 to \$461,728,537 from Federal Funds.
From \$682,658,616 to \$671,819,976 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 11.465.**— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding dental services under the MO HealthNet fee-for-service and managed care programs provided the necessary funding shall be used to fund adult dental procedure codes (Tier 1-6) relating to prevention, maintenance, restoration, and emergency dental care with such reimbursement rates set at 60% of Usual, Customary, and Reasonable (UCR) Rates for Medicaid individuals who currently do not receive dental benefits, and further provided that \$1,000,000 shall be used to fund four regional dental pilot projects relating to emergency room diversions, and further provided that the remaining amount of increased funds be used to increase the rates of the dental procedure codes (Tier 1-6) listed above for the current Medicaid population with dental benefits at 60% of Usual, Customary, and Reasonable (UCR) Rates for Medicaid individuals

From General Revenue Fund.....	\$22,896,947
From Federal Funds	41,033,127
From Health Initiatives Fund	71,162
From Healthy Families Trust Fund	848,773

For the purpose of funding a pilot project to expand access to dental care for eligible children in rural communities. The project shall permit Rural Health Clinics to provide dental services through cooperative agreements with community dentists. The department shall make all necessary state plan amendments(s) in order to execute this system

From General Revenue Fund.....	500,000
From Federal Funds.	750,000
Total.	<u>\$66,100,009</u>

*I hereby veto \$1,250,000 including \$500,000 general revenue for rural health clinic dental pilot project.

For the purpose of funding a pilot project to expand access to dental care for eligible children in rural communities.
From \$500,000 to \$0 from General Revenue Fund.

From \$750,000 to \$0 from Federal Funds.
From \$66,100,009 to \$64,850,009 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.470.— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding payments to third-party insurers, employers, or policyholders for health insurance

From General Revenue Fund.....	\$70,814,205
From Federal Funds.	129,405,291
Total.	<u>\$200,219,496</u>

***SECTION 11.475.**— To the Department of Social Services
For the MO HealthNet Division

For funding long-term care services
 For the purpose of funding care in nursing facilities or other long-term care services under the MO HealthNet fee-for-service and managed care programs and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents

From General Revenue Fund	\$144,574,206
From Federal Funds	367,228,033
From Uncompensated Care Fund	58,516,478
From Nursing Facility Federal Reimbursement Allowance Fund	9,134,756
From Healthy Families Trust Fund	17,973
From Third Party Liability Collections Fund	2,592,981

For the purpose of funding home health for the elderly, or other long-term care services under the MO HealthNet fee-for-service and managed care programs

From General Revenue Fund	3,461,078
From Federal Funds	6,170,739
From Health Initiatives Fund	159,305

For the purpose of funding Program for All-Inclusive Care for the Elderly, or other long-term care services under the MO HealthNet fee-for-service and managed care programs

From General Revenue Fund	2,531,934
From Federal Funds	4,416,247
Total	<u>\$598,803,730</u>

*I hereby veto \$24,078,854, including \$8,886,301 general revenue, including \$22,458,680 for a nursing facility rate increase, and \$1,620,174 for a home health provider rate increase.

For care in nursing facilities or other long-term care services.
 From \$144,574,206 to \$136,285,830 from General Revenue Fund.
 From \$367,228,033 to \$353,057,729 from Federal Funds.

For the purpose of funding home health for the elderly, or other long-term care services.
 From \$3,461,078 to \$2,863,153 from General Revenue Fund.
 From \$6,170,739 to \$5,148,490 from Federal Funds.
 From \$598,803,730 to \$574,724,876 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 11.480.— There is transferred out of the State Treasury from the Long Term Support UPL Fund to the General Revenue Fund for the state share of enhanced federal earnings under the nursing facility upper payment limit

From Long Term Support UPL Fund	\$10,990,982
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SECTION 11.485.— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of paying publicly funded long-term care services and support contracts and funding supplemental payments for care in nursing facilities or other long term care services under the nursing facility upper payment limit

From Federal Funds	\$28,393,011
From Long Term Support UPL Fund.	17,502,101
Total	<u>\$45,895,112</u>

***SECTION 11.490.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service and managed care programs, and for administration of these services, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division and further provided that additional funding shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety

From General Revenue Fund.	\$82,998,355
From Federal Funds	180,682,390
From Nursing Facility Federal Reimbursement Allowance Fund	1,414,043
From Health Initiatives Fund	194,881
From Healthy Families Trust Fund	831,745
From Ambulance Service Reimbursement Allowance Fund.	21,522,747

For the purpose of funding non-emergency medical transportation

From General Revenue Fund.	12,384,474
From Federal Funds	22,080,620

For the purpose of funding the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities

From Federal Funds	6,460,100
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For the purpose of providing state matching funds for Community Health Access Programs (CHAPs) focused on meeting the health care needs of their communities and reducing the costs incurred by health care providers when patients inappropriately access health care resources through Emergency Medical Services (EMS) or Emergency Departments (ED), provided that one program will be in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, one program will be in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and one program will be in a county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants with a city of the fourth classification with more than one thousand five hundred but fewer than one thousand seven hundred inhabitants as the county seat

From General Revenue Fund.	1,250,000
Total	<u>\$329,819,355</u>

*I hereby veto \$4,734,190, including \$2,535,840 general revenue, including \$1,600,000 for a long-term care rate increase, \$1,884,190 for helicopter emergency medical services, and \$1,250,000 for the Community Health Access Programs (CHAPs).

For funding all other non-institutional services.
From \$82,998,355 to \$81,712,515 from General Revenue Fund.
From \$180,682,390 to \$178,484,040 from Federal Funds.

For the purpose of providing state matching funds for Community Health Access Programs (CHAPs).
From \$1,250,000 to \$0 from General Revenue Fund.
From \$329,819,355 to \$325,085,165 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 11.492.**— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient. Such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers. The related Healthcare Common Procedure Coding System (HCPCS) billing codes include, but are not limited to pure complex rehabilitation technology codes and mixed complex rehabilitation technology codes which contain a mix of complex rehabilitation technology products and standard mobility and accessory products, provided that the HCPCS codes defined by the National Coalition for Assistive and Rehab Technology (NCART) as CRT be reimbursed to the MO HealthNet allowables as of 04/01/2010. HCPCS codes adopted after 04/01/2010 shall be reimbursed at the current Medicare allowable. Manually priced items shall be reimbursed at ninety percent (90%) of the Manufacturer's Suggested Retail Price (MSRP) for manual priced manual and custom wheelchairs and accessories and ninety five (95%) of MSRP on manually priced power mobility devices and accessories

From General Revenue Fund.	\$5,218,510
From Federal Funds.	8,921,877
Total.	<u>\$14,140,387</u>

*I hereby veto \$1,433,057 including \$528,870 general revenue for complex rehabilitation technology items.

From \$5,218,510 to \$4,689,640 from General Revenue Fund.
From \$8,921,877 to \$8,017,690 from Federal Funds.

From \$14,140,387 to \$12,707,330 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 11.495.— There is transferred out of the State Treasury from the General Revenue Fund to the Ambulance Service Reimbursement Allowance Fund
From General Revenue Fund. \$18,236,543

SECTION 11.500.— There is transferred out of the State Treasury from the Ambulance Service Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Ambulance Service Reimbursement Allowance Fund
From Ambulance Service Reimbursement Allowance Fund. \$18,236,543

SECTION 11.505.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding the payment to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the MO HealthNet fee-for-service programs and for administration of these programs as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, and further provided that additional funding shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety

From General Revenue Fund.	\$306,929,536
From Federal Funds	771,302,700
From Health Initiatives Fund	8,055,080
From Federal Reimbursement Allowance Fund.	97,394,117
From Healthy Families Trust Fund	4,000,000
From Life Sciences Research Trust Fund	6,272,544
From Ambulance Service Reimbursement Allowance Fund.	930,652
Total.	<u>\$1,194,884,629</u>

***SECTION 11.510.**— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding hospital care under the MO HealthNet fee-for-service and managed care programs, and for a comprehensive chronic care risk management program, and for administration of these programs. The MO HealthNet Division shall track payments to out-of-state hospitals by location

From General Revenue Fund.	\$24,175,818
From Federal Funds	511,779,850
From Uncompensated Care Fund	33,848,436
From Federal Reimbursement Allowance Fund.	175,385,755
From Health Initiatives Fund	9,171,007

From Pharmacy Reimbursement Allowance Fund	15,709
From Premium Fund.	4,488,050
For Safety Net Payments	
From Healthy Families Trust Fund	30,365,444
For Graduate Medical Education	
From Healthy Families Trust Fund	10,000,000
For the purpose of funding a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor. The purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program	
From General Revenue Fund.	200,000
From Federal Funds.	400,000
From Federal Reimbursement Allowance Fund.	200,000
For the purpose of continuing funding of the pager project facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program	
From General Revenue Fund.	150,000
From Federal Funds.	365,000
From Federal Reimbursement Allowance Fund.	215,000
For the purpose of funding a targeted program to manage the diabetic population in Southwest Missouri as part of a project to reduce hospitalizations, re-hospitalizations, and emergency room visits	
From General Revenue Fund.	100,000
From Federal Funds.	100,000
Total.	<u>\$800,960,069</u>

*I hereby veto \$900,000, including \$450,000 general revenue, including \$400,000 for the in-home telemonitoring program, \$300,000 for the pager pilot project, and \$200,000 for the diabetic telemonitoring program.

For a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor.

From \$200,000 to \$0 from General Revenue Fund.

From \$400,000 to \$200,000 from Federal Funds.

For continuing funding of the pager project facilitating medication compliance.

From \$150,000 to \$0 from General Revenue Fund.

From \$365,000 to \$215,000 from Federal Funds.

For the purpose of funding a targeted program to manage the diabetic population in Southwest Missouri.

From \$100,000 to \$0 from General Revenue Fund.

From \$100,000 to \$0 from Federal Funds.

From \$800,960,069 to \$800,060,069 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 11.515.— To the Department of Social Services

For the MO HealthNet Division

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Federal Funds. \$8,000,000

SECTION 11.520.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding grants to Federally Qualified Health Centers

From General Revenue Fund. \$6,819,459

From Federal Funds. 7,629,690

Total. \$14,449,149

SECTION 11.525.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding medical homes affiliated with public entities and hospital owned medical homes

From Department of Social Services Intergovernmental Transfer Fund. \$600,000

From Federal Reimbursement Allowance Fund. 100,000

From Federal Funds. 6,900,000

Total. \$7,600,000

***SECTION 11.527.**— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding a medical and behavior health home pilot for children in foster care in the St. Louis region

From General Revenue Fund. \$250,000

From Federal Funds. 2,250,000

Total. \$2,500,000

*I hereby veto \$2,500,000 including \$250,000 general revenue for a medical and behavioral health home pilot project for foster care in the St. Louis region.

Said section is vetoed in its entirety.

From \$250,000 to \$0 from General Revenue Fund.

From \$2,250,000 to \$0 from Federal Funds.

From \$2,500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 11.528.**— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding asthma related services

From General Revenue Fund.	\$524,033
From Federal Funds	4,716,297
Total.	<u>\$5,240,330</u>

*I hereby veto \$5,240,330 including \$524,033 general revenue for asthma related services.

Said section is vetoed in its entirety.
 From \$524,033 to \$0 from General Revenue Fund.
 From \$4,716,297 to \$0 from Federal Funds.
 From \$5,240,330 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 11.529.**— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding a Regional Care Coordination Model

From General Revenue Fund.	\$500,000
From Federal Funds	4,500,000
Total.	<u>\$5,000,000</u>

*I hereby veto \$5,000,000 including \$500,000 general revenue for a Regional Care Coordination Model.

Said section is vetoed in its entirety.
 From \$500,000 to \$0 from General Revenue Fund.
 From \$4,500,000 to \$0 from Federal Funds.
 From \$5,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

SECTION 11.530.— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of DSH payments as required by CMS and for the expenses of the Poison Control Center in order to provide services to all hospitals within the state

From Federal Reimbursement Allowance Fund.	\$1,022,818,734E
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SECTION 11.535.— To the Department of Social Services
 There is hereby transferred out of the State Treasury, chargeable to the Department of Social Services Intergovernmental Transfer Fund to the General Revenue Fund for the purpose of providing the state match for Medicaid payments

From Department of Social Services Intergovernmental Transfer Fund.	\$96,885,215
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SECTION 11.540.— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding payments to the Tier 1 Safety Net Hospitals

and other public hospitals using intergovernmental transfers	
From Department of Social Services Intergovernmental Transfer Fund.	\$70,348,801
From Federal Funds.	129,505,748
Total.	<u>\$199,854,549</u>

SECTION 11.545.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to the Department of Mental Health

From Department of Social Services Intergovernmental Transfer Fund.	\$119,579,424
From Federal Funds.	194,011,173
Total.	<u>\$313,590,597</u>

SECTION 11.550.— To the Department of Social Services

For the MO HealthNet Division

For funding extending women's health services using fee-for-service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services

From General Revenue Fund.	\$1,253,437
From Federal Funds.	9,281,097
From Federal Reimbursement Allowance Fund.	167,756
From Pharmacy Reimbursement Allowance Fund.	49,034
Total.	<u>\$10,751,324</u>

SECTION 11.555.— To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services. Provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program

From General Revenue Fund.	\$30,926,183
From Federal Funds.	134,009,604
From Federal Reimbursement Allowance Fund.	7,719,204
From Health Initiatives Fund.	5,375,576
From Pharmacy Rebates Fund.	581,199
From Pharmacy Reimbursement Allowance Fund.	907,611
From Premium Fund.	2,592,452
From Life Sciences Research Trust Fund.	171,206
Total.	<u>\$182,283,035</u>

SECTION 11.565.— There is transferred out of the State Treasury from the General Revenue Fund to the Federal Reimbursement Allowance Fund
From General Revenue Fund. \$584,612,737

SECTION 11.570.— There is transferred out of the State Treasury from the Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Federal Reimbursement Allowance Fund
From Federal Reimbursement Allowance Fund. \$584,612,737

SECTION 11.575.— There is transferred out of the State Treasury from the General Revenue Fund to the Nursing Facility Federal Reimbursement Allowance Fund
From General Revenue Fund. \$210,950,510

SECTION 11.580.— There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Nursing Facility Federal Reimbursement Allowance Fund
From Nursing Facility Federal Reimbursement Allowance Fund. \$210,950,510

SECTION 11.585.— There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the Nursing Facility Quality of Care Fund
From Nursing Facility Federal Reimbursement Allowance Fund. \$1,500,000

SECTION 11.590.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Nursing Facility Federal Reimbursement Allowance payments as provided by law
From Nursing Facility Federal Reimbursement Allowance Fund. \$311,457,057

SECTION 11.595.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service and managed care programs
From General Revenue Fund. \$69,954
From Federal Funds 54,653,770
Total. \$54,723,724

Bill Totals
General Revenue Fund. \$1,553,099,144
Federal Funds. 4,653,616,210
Other Funds. 2,505,121,648
Total. \$8,711,837,002

Approved June 24, 2014

HB 2012 [CCS SCS HCS HB 2012]

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

APPROPRIATIONS: CHIEF EXECUTIVE'S OFFICE AND MANSION; LIEUTENANT GOVERNOR; SECRETARY OF STATE; STATE AUDITOR; STATE TREASURER; ATTORNEY GENERAL; MISSOURI PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT SYSTEMS; JUDICIARY AND OFFICE OF STATE PUBLIC DEFENDER; STATE SENATE; HOUSE OF REPRESENTATIVES; GENERAL ASSEMBLY; COMMITTEE ON LEGISLATIVE RESEARCH; VARIOUS JOINT COMMITTEES; AND INTERIM COMMITTEES

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

SECTION 12.005. — To the Governor	
Personal Service and/or Expense and Equipment.	\$2,110,771
Personal Service and/or Expense and Equipment for the Mansion.	98,585
From General Revenue Fund (Not to exceed 28.00 F.T.E.).	<u>\$2,209,356</u>
SECTION 12.010. — To the Governor	
For expenses incident to emergency duties performed by the National Guard	
when ordered out by the Governor	
From General Revenue Fund.	\$4,000,001
SECTION 12.015. — To the Governor	
For conducting special audits	
From General Revenue Fund.	\$30,000
SECTION 12.025. — To the Lieutenant Governor	
Personal Service and/or Expense and Equipment	
From General Revenue Fund (Not to exceed 6.00 F.T.E.).	\$455,313

SECTION 12.035.— To the Secretary of State

Personal Service and/or Expense and Equipment	
From General Revenue Fund.	\$9,091,420
From Federal Funds	906,785
From Secretary of State's Technology Trust Fund Account Fund	3,502,850
From Surplus Revenue Fund.	79,900
From Local Records Preservation Fund	1,549,391
From Secretary of State - Wolfner State Library Fund	30,000
From Investor Education and Protection Fund.	1,723,677
Total (Not to exceed 271.30 F.T.E.).	\$16,884,023

SECTION 12.040.— To the Secretary of State

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, or other governmental agencies provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they will be expended, in writing, prior to the expenditure of said funds	
From Secretary of State Federal and Other Fund.	\$200,000

SECTION 12.045.— To the Secretary of State

For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office	
From General Revenue Fund.	\$50,000

SECTION 12.050.— To the Secretary of State

For reimbursement to victims of securities fraud and other violations pursuant to Section 409.407, RSMo	
From Investor Restitution Fund.	\$2,000,000

SECTION 12.055.— To the Secretary of State

For expenses of initiative referendum and constitutional amendments	
From General Revenue Fund.	\$1,189,218

SECTION 12.060.— To the Secretary of State

For election costs associated with absentee ballots	
From General Revenue Fund.	\$151,000

SECTION 12.065.— To the Secretary of State

For election reform grants, transactions costs, election administration improvements within Missouri, and support of Help America Vote Act activities	
From Federal Funds.	\$9,362,680

SECTION 12.070.— There is transferred out of the State Treasury,
chargeable to the General Revenue Fund such amounts as may
become necessary, to the State Election Subsidy Fund

From General Revenue Fund.	\$4,284,000
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SECTION 12.075.— To the Secretary of State

For the state's share of special election costs as required by Chapter 115, RSMo	
From State Election Subsidy Fund.	\$400,000

SECTION 12.080.— There is transferred out of the State Treasury, chargeable to the State Election Subsidy Fund, to the Election Administration Improvements Fund
From State Election Subsidy Fund. \$4,034,443

SECTION 12.085.— To the Secretary of State
For historical repository grants
From Federal Funds. \$50,000

SECTION 12.090.— To the Secretary of State
For local records preservation grants
From Local Records Preservation Fund. \$400,000

SECTION 12.095.— To the Secretary of State
For preserving legal, historical, and genealogical materials and making them available to the public
From State Document Preservation Fund. \$25,000

For costs related to establishing and operating a St. Louis Record Center
From Missouri State Archives - St. Louis Trust Fund $\frac{1}{1}$
Total. \$25,001

SECTION 12.100.— To the Secretary of State
For aid to public libraries
From General Revenue Fund. \$3,504,001

SECTION 12.105.— To the Secretary of State
For the Remote Electronic Access for Libraries Program
From General Revenue Fund. \$3,109,250

SECTION 12.110.— To the Secretary of State
For all allotments, grants, and contributions from the federal government or from any sources that may be deposited in the State Treasury for the use of the Missouri State Library
From Federal Funds. \$4,125,000

***SECTION 12.115.**— To the Secretary of State
For library networking grants and other grants and donations
From Library Networking Fund. \$1,080,000

*I hereby veto \$180,000 Library Networking Fund for library networking grants and donations.

From \$1,080,000 to \$900,000 from Library Networking Fund.
From \$1,080,000 to \$900,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 12.120.**— To the Secretary of State
There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Library Networking Fund
From General Revenue Fund. \$980,000

*I hereby veto \$180,000 general revenue for transfer to the Library Networking Fund.

From \$980,000 to \$800,000 from General Revenue Fund.

From \$980,000 to \$800,000 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 12.145.— To the State Auditor

Personal Service and/or Expense and Equipment	
From General Revenue Fund.	\$6,537,973
From Federal Funds	896,891
From Conservation Commission Fund.	47,216
From Parks Sales Tax Fund.	22,278
From Soil and Water Sales Tax Fund	21,490
From Petition Audit Revolving Trust Fund.	872,033
Total (Not to exceed 168.77 F.T.E.).	<u>\$8,397,881</u>

SECTION 12.150.— To the State Treasurer

Personal Service and/or Expense and Equipment	
From State Treasurer's General Operations Fund.	\$1,882,197
From Central Check Mailing Service Revolving Fund.	237,074

For Unclaimed Property Division administrative costs including personal service, expense and equipment for auctions, advertising, and promotions	
From Abandoned Fund Account.	2,109,965

For preparation and dissemination of information or publications, or for refunding overpayments	
From Treasurer's Information Fund.	8,000
Total (Not to exceed 49.40 F.T.E.).	<u>\$4,237,236</u>

SECTION 12.155.— To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law	
From General Revenue Fund.	\$1,000,000E

SECTION 12.160.— To the State Treasurer

For payment of claims for abandoned property transferred by holders to the state	
From Abandoned Fund Account.	\$22,500,000E

SECTION 12.165.— To the State Treasurer

For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo	
From General Revenue Fund.	\$1E

SECTION 12.170.— To the State Treasurer

There is transferred out of the State Treasury, chargeable to the Abandoned Fund Account, to the General Revenue Fund	
From Abandoned Fund Account.	\$50,000,000E

SECTION 12.175.— To the State Treasurer

For refunds of excess interest from the Linked Deposit Program

From General Revenue Fund. \$2,500

SECTION 12.180.— To the State Treasurer

There is transferred out of the State Treasury, chargeable to the Debt Offset
Escrow Fund, to the General Revenue Fund

From Debt Offset Escrow Fund. \$100,000

SECTION 12.185.— To the State Treasurer

There is transferred out of the State Treasury, chargeable to various funds,
to the General Revenue Fund

From Various Funds. \$3,000,000E

SECTION 12.190.— To the State Treasurer

There is transferred out of the State Treasury, chargeable to the Abandoned
Fund Account, to the State Public School Fund

From Abandoned Fund Account. \$1,500,000E

SECTION 12.195.— To the Attorney General

Personal Service and/or Expense and Equipment

From General Revenue Fund. \$13,210,073

From Federal Funds 2,622,577

From Gaming Commission Fund. 142,537

From Natural Resources Protection Fund-Water Pollution Permit Fee

Subaccount Fund 42,613

From Solid Waste Management Fund 43,113

From Petroleum Storage Tank Insurance Fund 79,479

From Motor Vehicle Commission Fund 50,551

From Health Spa Regulatory Fund. 5,000

From Natural Resources Protection Fund-Air Pollution Permit

Fee Subaccount Fund 42,582

From Attorney General's Court Costs Fund 187,000

From Soil and Water Sales Tax Fund 14,892

From Merchandising Practices Revolving Fund. 3,844,251

From Workers' Compensation Fund. 476,783

From Workers' Compensation - Second Injury Fund. 3,089,883

From Lottery Enterprise Fund 56,641

From Antitrust Revolving Fund. 636,874

From Hazardous Waste Fund. 306,549

From Safe Drinking Water Fund. 14,921

From Inmate Incarceration Reimbursement Act Revolving Fund 141,360

From Mined Land Reclamation Fund. 14,887

Total (Not to exceed 402.05 F.T.E.). \$25,022,566

SECTION 12.200.— To the Attorney General

For law enforcement, domestic violence, and victims' services
Expense and Equipment

From Federal Funds. \$100,000

SECTION 12.205.— To the Attorney General

For a Medicaid fraud unit

Personal Service and/or Expense and Equipment

From General Revenue Fund.	\$717,594
From Federal Funds.	2,057,520
Total (Not to exceed 28.00 F.T.E.).	<u>\$2,775,114</u>

SECTION 12.210.— To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service and/or Expense and Equipment

From General Revenue Fund.	\$108,737
From Federal Funds.	1,070,370
From Missouri Office of Prosecution Services Fund.	2,031,453
From Missouri Office of Prosecution Services Revolving Fund.	150,000
Total (Not to exceed 10.00 F.T.E.).	<u>\$3,360,560</u>

SECTION 12.215.— To the Attorney General

For the Missouri Office of Prosecution Services

There is transferred out of the State Treasury, chargeable to the Attorney

General Federal Fund, to the Missouri Office of Prosecution Services Fund

From Federal Funds.	\$100,000
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SECTION 12.220.— To the Attorney General

For the fulfillment or failure of conditions, or other such developments,
 necessary to determine the appropriate disposition of such funds, to
 those individuals, entities, or accounts within the State Treasury,
 certified by the Attorney General as being entitled to receive them
 Expense and Equipment

From Attorney General Trust Fund.	\$4,000,000
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SECTION 12.225.— To the Attorney General

There is transferred out of the State Treasury, chargeable to the General

Revenue Fund, to the Attorney General's Court Costs Fund

From General Revenue Fund.	\$165,600
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SECTION 12.230.— To the Attorney General

There is transferred out of the State Treasury, chargeable to the General

Revenue Fund, to the Antitrust Revolving Fund

From General Revenue Fund.	\$69,000
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***SECTION 12.300.**— To the Supreme Court

For the purpose of funding Judicial Proceedings and Review and expenses
 of the members of the Appellate Judicial Commission and the several
 circuit judicial commissions in circuits having the non-partisan court
 plan, and for services rendered by clerks of the Supreme Court, courts
 of appeals, and clerks in circuits having the non-partisan court plan for
 giving notice of and conducting elections as ordered by the Supreme Court

Personal Service and/or Expense and Equipment, provided that not more
 than one hundred percent (100%) flexibility is allowed between personal
 service and expense and equipment and not more than one hundred
 percent (100%) flexibility is allowed between sections

From General Revenue Fund.	\$5,132,570
From Federal Funds.	497,501
From Supreme Court Publications Revolving Fund.	150,000

From Basic Civil Legal Services Fund.	5,063,692E
Total (Not to exceed 83.00 F.T.E.)	\$10,843,763

*I hereby veto \$164,323 including \$146,000 general revenue for the Judicial Conference of Missouri and \$18,323 general revenue for a special payplan.

From \$5,132,570 to \$4,968,247 from General Revenue Fund.
From \$10,843,763 to \$10,679,440 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 12.305.—To the Supreme Court

For the purpose of funding the State Courts Administrator, implementing and supporting an integrated case management system, grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts, developing and implementing a program of statewide court automation, judicial education and training, and the Missouri Sentencing and Advisory Commission

Personal Service and/or Expense and Equipment, provided that not more than one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and not more than one hundred percent (100%) flexibility is allowed between sections

From General Revenue Fund.	\$11,582,384
From Federal Funds	8,193,909
From Basic Civil Legal Services Fund	32,508
From State Court Administration Revolving Fund	60,000
From Statewide Court Automation Fund	5,209,330
From Judiciary Education and Training Fund	1,422,385
From Crime Victims' Compensation Fund.	887,200
Total (Not to exceed 229.25 F.T.E.)	\$27,387,716

SECTION 12.310.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Judiciary Education and Training Fund

From General Revenue Fund.	\$1,369,040
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SECTION 12.315.—To the Supreme Court

For the purpose of funding the Court of Appeals

Personal Service and/or Expense and Equipment, provided that not more than one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and not more than one hundred percent (100%) flexibility is allowed between sections

From General Revenue Fund (Not to exceed 159.35 F.T.E.)	\$11,842,713
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***SECTION 12.320.**—To the Supreme Court

For the purpose of funding the Circuit Courts, the court-appointed special advocacy program statewide office and programs provided in Section 476.777, RSMo, costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, payments to counties for

salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, and the Commission on Retirement, Removal, and Discipline of Judges

Personal Service and/or Expense and Equipment, provided that not more than one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and not more than one hundred percent (100%) flexibility is allowed between sections

From General Revenue Fund.	\$145,504,312
From Federal Funds	1,933,575
From Third Party Liability Collections Fund.	390,561
From State Court Administration Revolving Fund	170,000
From Missouri CASA Fund.	100,000
From Domestic Relations Resolution Fund.	300,000
From Circuit Courts Escrow Fund.	2,005,500
Total (Not to exceed 2,949.45 F.T.E.).	<u>\$150,403,948</u>

*I hereby veto \$573,413 general revenue for a special payplan.

From \$145,504,312 to \$144,930,899 from General Revenue Fund.
From \$150,403,948 to \$149,830,535 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 12.325.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Drug Court Resources Fund

From General Revenue Fund. \$6,935,387

*I hereby veto \$200,000 general revenue for transfer to the Drug Court Resources Fund.

From \$6,935,387 to \$6,735,387 from General Revenue Fund.
From \$6,935,387 to \$6,735,387 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 12.330.**— To the Supreme Court
For the purpose of funding drug courts

Personal Service and/or Expense and Equipment, provided that not more than one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and not more than one hundred percent (100%) flexibility is allowed between sections

From Drug Court Resources Fund (Not to exceed 4.00 F.T.E.). \$7,129,397

*I hereby veto \$200,000 Drug Court Resources Fund for drug court services.

From \$7,129,397 to \$6,929,397 from Drug Court Resources Fund.
From \$7,129,397 to \$6,929,397 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 12.400.**— To the Office of the State Public Defender
For the purpose of funding the State Public Defender System

Personal Service and/or Expense and Equipment	\$36,018,838
For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System	3,721,071
From General Revenue Fund	39,739,909
For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo	
Personal Service	131,827
Expense and Equipment	2,850,756
From Legal Defense and Defender Fund	2,982,583
For refunds set-off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund	1,200,000
For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender	
From Federal Funds	125,000
Total (Not to exceed 587.13 F.T.E.)	\$44,047,492

*I hereby veto \$3,472,238 general revenue for contractual services for the Office of the State Public Defender.

From \$36,018,838 to \$32,546,600 from General Revenue Fund.
From \$39,739,909 to \$36,267,671 in total from General Revenue Fund.
From \$44,047,492 to \$40,575,254 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*Veto was overridden September 10, 2014

***SECTION 12.500.**— To the Senate

Salaries of Members	\$1,226,610
Mileage of Members	87,406
Members' Per Diem	226,100
Senate Contingent Expenses	9,795,869
Joint Contingent Expenses	125,000
From General Revenue Fund	11,460,985

Senate Contingent Expenses	
From Senate Revolving Fund	40,000
Total (Not to exceed 211.00 F.T.E.)	\$11,500,985

*I hereby veto \$750,000 general revenue for Senate Contingent Expenses.

Senate Contingent Expenses by \$750,000 from \$9,795,869 to \$9,045,869 General Revenue Fund.
From \$11,460,985 to \$10,710,985 in total from General Revenue Fund.
From \$11,500,985 to \$10,750,985 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 12.505.**— To the House of Representatives

Salaries of Members.	\$5,861,145
Mileage of Members	395,491
Members' Per Diem.	1,290,960
Representatives' Expense Vouchers.	1,370,176
House Contingent Expenses.	<u>11,737,534</u>
From General Revenue Fund.	20,655,306

House Contingent Expenses

From House of Representatives Revolving Fund.	45,000
Total (Not to exceed 425.84 F.T.E.).	<u>\$20,700,306</u>

*I hereby veto \$750,000 general revenue for House Contingent Expenses.

House Contingent Expenses by \$750,000 from \$11,737,534 to \$10,987,534 General Revenue Fund.

From \$20,655,306 to \$19,905,306 in total from General Revenue Fund.

From \$20,700,306 to \$19,950,306 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 12.506.— To the House of Representatives

For payment of dues for the National Conference on State Legislatures From General Revenue Fund.	\$240,000
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SECTION 12.510.— To the Committee on Legislative Research

For payment of expenses of members, salaries and expenses of employees,
and other necessary operating expenses, provided that not more than
twenty-five percent (25%) flexibility is allowed between personal
service and expense and equipment

For the Legislative Research Administration.	\$1,454,608
For the Oversight Division.	<u>799,331</u>
From General Revenue Fund (Not to exceed 43.08 F.T.E.).	\$2,253,939

SECTION 12.515.— To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary
expenses of publishing the Supplement to the Revised Statutes of the
State of Missouri

From Statutory Revision Fund (Not to exceed 1.25 F.T.E.).	\$208,540
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***SECTION 12.520.**— To the Interim Committees of the General Assembly

For the Joint Committee on Administrative Rules.	\$125,269
For the Joint Committee on Public Employee Retirement.	165,869
For the Joint Committee on Education	74,617
For the Joint Committee on MO HealthNet.	<u>250,000</u>
From General Revenue Fund (Not to exceed 8.00 F.T.E.).	\$615,755

*I hereby veto \$250,000 general revenue for the Joint Committee on MO HealthNet.

Joint Committee on MO HealthNet by \$250,000 from \$250,000 to \$0 General Revenue Fund.

From \$615,755 to \$365,755 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

Elected Officials Totals

General Revenue Fund.....	\$50,812,537
Federal Funds.....	21,391,823
Other Funds.....	51,745,567
Total.....	<u>\$123,949,927</u>

Judiciary Totals

General Revenue Fund.....	\$182,366,406
Federal Funds.....	10,624,985
Other Funds.....	14,368,791
Total.....	<u>\$207,360,182</u>

Public Defender Totals

General Revenue Fund.....	\$39,739,909
Federal Funds.....	125,000
Other Funds.....	2,982,583
Total.....	<u>\$42,847,492</u>

General Assembly Totals

General Revenue Fund.....	\$35,225,985
Other Funds.....	293,540
Total.....	<u>\$35,519,525</u>

Approved June 24, 2014

HB 2013 [CCS SCS HCS HB 2013]

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

APPROPRIATIONS: LEASES AND CAPITAL IMPROVEMENTS

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015 as follows:

***SECTION 13.005.**— To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For the payment of real property leases, utilities, systems furniture,
 structural modifications, including those of the Department of
 Corrections, and provided that not more than five percent (5%)
 flexibility is allowed between Sections 13.005, 13.010, and 13.015,
 with no more than five percent (5%) flexibility allowed between
 departments within this section

For the Department of Elementary and Secondary Education
 Expense and Equipment
 From General Revenue Fund. \$390,944
 From Federal Funds 2,010,096
 From Deaf Relay Service and Equipment Distribution Program Fund. 20,247
 From Assistive Technology Loan Revolving Fund. 8,678

For the Department of Revenue
 Expense and Equipment
 From General Revenue Fund. 632,395

For the Department of Revenue
 For the State Lottery Commission
 Expense and Equipment
 From Lottery Enterprise Fund 357,037

For the Office of Administration
 Expense and Equipment
 From General Revenue Fund. 636,959
 From State Facility Maintenance and Operation Fund 243,523
 From Office of Administration Revolving Administrative Trust Fund. 177,618

For the Ethics Commission
 Expense and Equipment
 From General Revenue Fund. 98,971

For the Department of Agriculture
 Expense and Equipment
 From General Revenue Fund. 149,577
 From Petroleum Inspection Fund 6,408
 From Grain Inspection Fees Fund. 25,787
 From Animal Health Laboratory Fee Fund 51,998
 From Agriculture Protection Fund 1,732

For the Department of Natural Resources
 Expense and Equipment
 From General Revenue Fund. 448,031
 From Federal Funds 292,825
 From Department of Natural Resources Cost Allocation Fund. 1,111,766

For the Department of Economic Development
 Expense and Equipment
 From General Revenue Fund. 32,045

From Federal Funds	1,134,446
From Division of Tourism Supplemental Revenue Fund	6,400
From Manufactured Housing Fund	13,245
From Missouri Arts Council Trust Fund	41,136
From Public Service Commission Fund	914,742
From Special Employment Security Fund	216,321
For the Department of Insurance, Financial Institutions and Professional Registration	
Expense and Equipment	
From Division of Finance Fund	50,406
From Insurance Dedicated Fund	5,915
From Insurance Examiners Fund	11,333
From Professional Registration Fees Fund	12,277
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund	8,356
From Federal Funds	72,831
From Workers' Compensation Fund	229,365
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund	84,280
From Federal Funds	29,472
From Veterans' Commission Capital Improvement Trust Fund	147,448
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund	54,267
From Federal Funds	89,908
From State Highways and Transportation Department Fund	974,725
For the Department of Public Safety	
For the Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund	391,605
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund	6,105,735
From Working Capital Revolving Fund	179,299
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund	1,643,572
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund	1,612,011
From Federal Funds	2,065,028

For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund	9,488,954
From Federal Funds	5,292,139
From Nursing Facility Quality of Care Fund	74,858
For the State Legislature	
Expense and Equipment	
From General Revenue Fund	9,932
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund	692,628
From Local Records Preservation Fund	3,300
For the State Auditor	
Expense and Equipment	
From General Revenue Fund	8,592
For the Attorney General	
Expense and Equipment	
From General Revenue Fund	333,176
From Federal Funds	119,884
From Hazardous Waste Fund	9,352
From Missouri Office of Prosecution Services Fund	34,438
From Workers' Compensation Second Injury Fund	77,654
From Workers' Compensation Fund	77,653
For the Judiciary	
Expense and Equipment	
From General Revenue Fund	2,222,414
From Federal Funds	20,958
From Judiciary Education and Training Fund	128,048
Total	\$41,384,740

*I hereby veto \$120,452 general revenue, including \$46,568 for leasing costs of the Department of Natural Resources and \$73,884 for leasing costs of the Department of Social Services.

For the Department of Natural Resources.
From \$448,031 to \$401,463 from General Revenue Fund.

For the Department of Social Services.
From \$9,488,954 to \$9,415,070 from General Revenue Fund.
From \$41,384,740 to \$41,264,288 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 13.010.**— To the Office of Administration
For the Division of Facilities Management, Design and Construction
For operation of state-owned facilities, utilities, systems furniture,
structural modifications, including those of the Department of
Corrections, and provided that not more than five percent (5%)

flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section

For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund.....	\$324,922
From Federal Funds	964,679
For the Department of Higher Education	
Expense and Equipment	
From General Revenue Fund.....	112,330
For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund.....	1,543,328
From Facilities Maintenance Reserve Fund	414,754
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund.....	2,319,281
From Children's Trust Fund	13,110
From State Facility Maintenance and Operation Fund	496,566
For the Office of Administration	
For the renovation and modification, including fuel and utilities, of the old St. Mary's Hospital provided that such funds shall only be used for this purpose	
From General Revenue Fund.....	6,000,000
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund.....	86,720
From Federal Funds	18,963
From Agriculture Development Fund.....	1,587
From Agriculture Protection Fund	250,361
From Animal Care Reserve Fund.....	1,966
From Animal Health Laboratory Fee Fund	32,235
From Boll Weevil Suppression and Eradication Fund.	1,489
From Commodity Council Merchandising Fund.	2,799
From Grain Inspection Fees Fund.	3,498
From Milk Inspection Fees Fund	4,875
From Missouri Wine and Grape Fund.	2,814
From Petroleum Inspection Fund	98,125
From Single Purpose Animal Facilities Loan Program Fund.....	4,442
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund.....	320,110
From Federal Funds	224,999
From Department of Natural Resources Cost Allocation Fund.	636,640

For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund	201,154
From Federal Funds	859,250
From Department of Economic Development Administrative Fund	31,465
From Division of Tourism Supplemental Revenue Fund	100,636
From Energy Set-Aside Program Fund	22,375
From Public Service Commission Fund	76,929
For the Department of Insurance, Financial Institutions and Professional Registration	
Expense and Equipment	
From Division of Credit Unions Fund	24,005
From Division of Finance Fund	175,363
From Insurance Dedicated Fund	323,025
From Insurance Examiners Fund	85,653
From Professional Registration Fees Fund	211,294
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund	63,217
From Federal Funds	1,209,013
From Workers' Compensation Fund	377,752
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund	251,333
From Federal Funds	1,989
From Veterans' Commission Capital Improvement Trust Fund	111,988
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund	139,861
For the Department of Public Safety	
For the Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund	75,540
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund	888,753
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund	745,936
From Federal Funds	197,590
From Compulsive Gamblers Fund	1,344
From Health Initiatives Fund	6,044
From Mental Health Earnings Fund	3,359
For the Department of Health and Senior Services	

Expense and Equipment	
From General Revenue Fund.....	752,039
From Federal Funds	963,380
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund.....	5,433,067
From Federal Funds	730,195
From Department of Social Services Educational Improvement Fund.	5,894
From Early Childhood Development, Education and Care Fund.	587
From Health Initiatives Fund.	17,668
From Third Party Liability Collections Fund.	14,722
For the Governor's Office	
Expense and Equipment	
From General Revenue Fund.....	379,292
For the Lieutenant Governor's Office	
Expense and Equipment	
From General Revenue Fund.....	31,675
For the State Legislature	
Expense and Equipment	
From General Revenue Fund.....	1,691,338
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund.....	958,929
From Investor Education and Protection Fund.....	13,227
From Local Records Preservation Fund.....	17,482
From Secretary of State's Technology Trust Fund Account Fund	6,700
For the State Auditor	
Expense and Equipment	
From General Revenue Fund.....	180,026
For the Attorney General	
Expense and Equipment	
From General Revenue Fund.....	405,675
From Federal Funds	124,509
From Gaming Commission Fund.....	4,139
From Hazardous Waste Fund.	8,278
From Inmate Incarceration Reimbursement Act Revolving Fund	8,309
From Lottery Enterprise Fund	4,145
From Natural Resources Protection Water Pollution Permit Fee Subaccount Fund ...	8,278
From Workers' Compensation Second Injury Fund.	28,335
From Workers' Compensation Fund.....	28,372
For the State Treasurer	
Expense and Equipment	
From State Treasurer's General Operations Fund	182,402

For the Judiciary	
Expense and Equipment	
From General Revenue Fund.	208,110
Total.	<u>\$32,272,234</u>

*I hereby veto \$6,000,000 general revenue for the renovation and modification of the old St. Mary's Hospital.

From \$6,000,000 to \$0 in total from General Revenue Fund.
From \$32,272,234 to \$26,272,234 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 13.015.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the operation of institutional facilities, utilities, systems furniture,
structural modifications, including those of the Department of
Corrections, and provided that not more than five percent (5%)
flexibility is allowed between Sections 13.005, 13.010, and 13.015,
with no more than five percent (5%) flexibility allowed between
departments within this section

For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund.	\$4,018,293
For the Department of Revenue	
For the Lottery Commission	
Expense and Equipment	
From Lottery Enterprise Fund.	120,775
For the Department of Agriculture	
Expense and Equipment	
From State Fair Fees Fund.	497,177
For the Department of Public Safety	
Expense and Equipment	
From Veterans' Commission Capital Improvement Trust Fund	2,786,011
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund.	229,532
From Gaming Commission Fund.	50,281
From Highway Patrol Academy Fund.	28,611
From State Highways and Transportation Department Fund	1,666,866
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund.	21,893,115
For the Department of Health and Senior Services	
Expense and Equipment	

From Federal Funds	10,652
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund.....	2,992,076
From Federal Funds.....	769,092
Total.....	\$35,062,481

SECTION 13.020.—To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For the collection and payment of costs associated with state-owned,
 institutional, and state leased space occupied by non-state agencies
 Expense and Equipment
 From Office of Administration Revolving Administrative Trust Fund. \$1,500,000

SECTION 13.025.—To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For the Department of Public Safety
 For the Adjutant General
 For the payment of real property leases, related services, utilities, systems
 furniture, structural modifications, and related expenses
 Expense and Equipment
 From Federal Funds. \$1,657,112

Bill Totals

General Revenue Fund.....	\$76,683,090
Federal Funds.....	18,606,615
Other Funds.....	13,502,006
Total.....	\$108,791,711

Approved June 24, 2014

HB 2014 [CCS SCS HB 2014]

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

APPROPRIATIONS: SUPPLEMENTAL PURPOSES

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2014.

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

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2014, as follows:

SECTION 14.005.—There is transferred out of the State Treasury, from the Third State Building Bond Interest and Sinking Fund to the General

Revenue Fund, the remaining balance including accrued interest whereas the Third State Building Bonds have been paid in full and the sinking funds are no longer needed From Third State Building Bond Interest and Sinking Fund.	\$57,000
SECTION 14.010. — To the Department of Elementary and Secondary Education For distributions to free public schools under the School Foundation Program as provided in Chapter 163, RSMo, for the foundation formula From State School Moneys Fund.	\$13,731,714
SECTION 14.015. — To the Department of Elementary and Secondary Education For distribution to the Department of Elementary and Secondary Education pursuant to Section 162.081, RSMo, to be distributed to the extent required to enable an unaccredited school district with a membership defined in Section 163.011, RSMo, of less than 5,000 students to complete the 2013-14 School Year From General Revenue Fund.	\$2,000,000
SECTION 14.020. — To the Department of Elementary and Secondary Education For the School Age Afterschool Program From Federal Funds.	\$3,000,000
SECTION 14.025. — To the Department of Elementary and Secondary Education For special education excess costs From General Revenue Fund.	\$6,000,000
SECTION 14.030. — To the Department of Elementary and Secondary Education For the First Steps Program From General Revenue Fund.	\$7,500,000
SECTION 14.035. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State School Moneys Fund From General Revenue Fund.	\$22,031,896
SECTION 14.040. — To the Department of Higher Education For distribution to the community colleges For the payment of refunds set off against debt as required by Section 143.786, RSMo From Debt Offset Escrow Fund.	\$878,700
SECTION 14.045. — To Missouri State University For the payment of refunds set off against debt as required by Section 143.786, RSMo From Debt Offset Escrow Fund.	\$100,000
SECTION 14.050. — To the Department of Revenue For the purpose of collecting highway related fees and taxes Expense and Equipment From State Highways and Transportation Department Fund.	\$59,471

SECTION 14.060. — To the Department of Revenue	
For payment of fees to counties as a result of delinquent collections made by circuit attorneys or prosecuting attorneys and payment of collection agency fees	
From General Revenue Fund.	\$510,000
SECTION 14.065. — To the Department of Revenue	
For the payment of tax delinquencies set off by tax credits	
From General Revenue Fund.	\$60,000
SECTION 14.070. — To the Department of Revenue	
Funds to be transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts as may be necessary to make payments of refunds set off against debts as required by Section 143.786, RSMo, to the Debt Offset Escrow Fund	
From General Revenue Fund.	\$2,505,000
SECTION 14.075. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Highways and Transportation Department Fund, for reimbursement of collection expenditures in excess of the three percent (3%) limit established by Article IV, Sections 29, 30(a), 30(b), and 30(c) of the Missouri Constitution	
From General Revenue Fund.	\$2,195,935
SECTION 14.080. — To the Department of Revenue	
For the State Lottery Commission	
For expenditures necessary for the purpose of operating a state lottery Expense and Equipment	
From Lottery Enterprise Fund.	\$2,000,000
SECTION 14.081. — There is transferred out of the State Treasury, chargeable to the Lottery Enterprise Fund, to the Lottery Proceeds Fund	
From Lottery Enterprise Fund.	\$1E
SECTION 14.085. — To the Department of Transportation	
For the Maintenance Program	
For all allotments, grants, and contributions from federal sources that may be deposited in the State Treasury for grants of National Highway Safety Act moneys	
From Federal Funds.	\$4,000,000
SECTION 14.090. — To the Department of Transportation	
For Multimodal Operations Administration	
Expense and Equipment	
From Federal Funds.	\$49,625
From State Transportation Fund.	12,406
Total.	\$62,031
SECTION 14.095. — To the Office of Administration	
For the Information Technology Services Division	
For information technology projects	

From Other Funds. \$613,600

SECTION 14.100.— To the Office of Administration
For the Information Technology Services Division
For rural broadband
From Federal Stimulus-Office of Administration Fund. \$1,078,234

SECTION 14.105.— To the Office of Administration
For the Division of Facilities Management, Design and Construction
Asset Management
For fuel and utility expenses
From State Facility Maintenance and Operation Fund. \$1,700,000

SECTION 14.110.— To the Office of Administration
For the Administrative Hearing Commission
Personal Service
From General Revenue Fund. \$41,465

SECTION 14.115.— To the Office of Administration
For the Division of Accounting
For payments to counties for county correctional prosecution reimbursements
pursuant to Sections 50.850 and 50.853, RSMo
From General Revenue Fund. \$10,000

SECTION 14.120.— To the Office of Administration
For transferring funds for state employees and participating political
subdivisions to the OASDHI Contributions Fund
From Federal Funds. \$1,000,000

SECTION 14.125.— To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for
claims paid to former state employees for unemployment insurance
coverage and for related professional services
From Federal Funds. \$800,000
From Other Funds. 100,000
Total. \$900,000

SECTION 14.130.— To the Office of Administration
For transferring funds for the state's contribution to the Missouri Consolidated
Health Care Plan to the Missouri Consolidated Health Care Plan Benefit
Fund
From Federal Funds. \$3,000,000

SECTION 14.135.— To the Office of Administration
For the Division of General Services
For the provision of workers' compensation benefits to state employees
through either a self-insurance program administered by the Office of
Administration and/or by contractual agreement with a private carrier
and for administrative and legal expenses authorized, in part, by
Section 105.810, RSMo
From General Revenue Fund. \$5,000,000

From Conservation Commission Fund.	300,000
Total.	<u>\$5,300,000</u>

SECTION 14.140.— There is transferred out of the State Treasury, chargeable to the Missouri Veterans' Homes Fund, the amount paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from the Missouri Veterans' Homes Fund, to the General Revenue Fund

From Missouri Veterans' Homes Fund.	\$183,663
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SECTION 14.145.— To the Office of Administration
For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo From General Revenue Fund.	\$700,000
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SECTION 14.150.— To the Department of Natural Resources
For the Division of Environmental Quality

For water infrastructure grants and loans From Other Funds.	\$60,126,024
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SECTION 14.155.— To the Department of Economic Development
Funds are to be transferred, for payment of administrative costs, to the
Department of Economic Development Administrative Fund

From Manufactured Housing Fund.	\$4,797
From Public Service Commission Fund.	<u>83,970</u>
Total.	<u>\$88,767</u>

SECTION 14.160.— To the Department of Economic Development
For the Division of Business and Community Services
For the Finance Team

Personal Service and/or Expense and Equipment From General Revenue Fund (Not to exceed 0.17 F.T.E.).	\$9,920
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SECTION 14.165.— To the Department of Economic Development
For the response to, and analysis of, the impact of Missouri's military
bases on the nation's military readiness and the state's economy

From General Revenue Fund.	\$125,000
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SECTION 14.170.— To the Department of Insurance, Financial Institutions
and Professional Registration

For the State Board of Nursing For the payment of attorney fees From State Board of Nursing Fund.	\$7,150
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SECTION 14.175.— To the Department of Insurance, Financial Institutions
and Professional Registration

For the State Board of Pharmacy For the payment of attorney fees From Board of Pharmacy Fund.	\$13,769
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SECTION 14.180.— To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation

For the purpose of funding Administration
 Personal Service and/or Expense and Equipment
 From Workers' Compensation Fund. \$394,257

SECTION 14.185.— To the Department of Labor and Industrial Relations
 For the Division of Workers' Compensation
 For payment of special claims
 From Workers' Compensation - Second Injury Fund. \$7,945,489E

SECTION 14.190.— To the Department of Labor and Industrial Relations
 For the Division of Employment Security
 For administration of programs authorized and funded by the United States
 Department of Labor, such as Disaster Unemployment Assistance
 (DUA), and provided that all funds shall be expended from discrete
 accounts and that no monies shall be expended for funding
 administration of these programs by the Division of Employment Security
 From Unemployment Compensation Administration Fund. \$2,000,000

SECTION 14.195.— To the Department of Labor and Industrial Relations
 For the Missouri Commission on Human Rights
 Expense and Equipment
 From Human Rights Commission Fund. \$23,500

SECTION 14.200.— To the Department of Public Safety
 For the Office of the Director
 For the administration and operation of the Missouri Data Exchange
 (MODEX) system
 From MODEX Fund (Not to exceed 0.33 F.T.E.). \$229,500

SECTION 14.205.— To the Department of Public Safety
 For the Capitol Police
 Expense and Equipment
 From General Revenue Fund. \$29,674

SECTION 14.210.— To the Adjutant General
 For Military Forces Contract Services
 Expense and Equipment
 From Federal Funds. \$2,737,651

SECTION 14.215.— To the Department of Public Safety
 For the State Emergency Management Agency
 To provide matching funds for federal grants and for emergency
 assistance expenses of the State Emergency Management Agency
 as provided in Section 44.032, RSMo
 From General Revenue Fund. \$14,600,000

SECTION 14.220.— To the Department of Corrections
 For the Office of the Director
 For the expenditures of contributions, gifts, and grants in support of a foster
 care dog program to increase the adoptability of shelter animals and
 train service dogs for the disabled
 From Institution Gift Trust Fund. \$20,000

SECTION 14.225. — To the Department of Corrections	
For the Division of Offender Rehabilitative Services	
For the purpose of funding contractual services for offender physical and mental health care	
From General Revenue Fund.....	\$527,172
SECTION 14.230. — To the Department of Corrections	
For the Board of Probation and Parole	
For transfers and refunds set-off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund.....	\$350,000
SECTION 14.235. — To the Department of Mental Health	
For the Office of the Director	
For payment of attorney fees	
From General Revenue Fund.....	\$16,389
SECTION 14.240. — To the Department of Mental Health	
For the Office of the Director	
For the purpose of paying overtime to state employees and/or paying otherwise authorized personal service expenditures in lieu of such overtime payments. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
From General Revenue Fund.....	\$6,012,057
SECTION 14.245. — To the Department of Mental Health	
For the Division of Alcohol and Drug Abuse	
For the purpose of funding the Substance Abuse Traffic Offender Program	
From Mental Health Earnings Fund.....	\$600,000
SECTION 14.250. — To the Department of Mental Health	
For the Division of Developmental Disabilities	
For the purpose of funding community programs	
From General Revenue Fund.....	\$9,315,556
From Federal Funds.....	25,112,281
For services for children who are clients of the Department of Social Services	
From Mental Health Interagency Payments Fund.....	2,000,000
Total.....	<u>\$36,427,837</u>
SECTION 14.255. — To the Department of Health and Senior Services	
For the Division of Community and Public Health	
For the purpose of funding community health programs and related expenses	
From Federal Funds.....	\$9,614,889
SECTION 14.260. — To the Department of Health and Senior Services	
For the Division of Senior and Disability Services	
For the purpose of funding program operations and support Expense and Equipment	
From General Revenue Fund.....	\$ 34,098
From Federal Funds.....	<u>41,250</u>

Total. \$ 75,348

SECTION 14.265.— To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services, and program management under the Medicaid fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

From General Revenue Fund.	\$10,331,800
From Federal Funds.	<u>27,968,246</u>
Total.	\$38,300,046

SECTION 14.275.— To the Department of Social Services

For the Family Support Division

For the purpose of funding nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo

From General Revenue Fund.	\$21,191
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SECTION 14.278.— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Utilicare Stabilization Fund

From General Revenue Fund.	\$3,000,000
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SECTION 14.279.— To the Department of Social Services

For the Utilicare Program

From Utilicare Stabilization Fund.	\$3,000,000
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SECTION 14.280.— To the Department of Social Services

For the Children's Division

For the purpose of funding children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level

From General Revenue Fund.	\$392,011
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SECTION 14.285.— To the Department of Social Services

For the Children's Division

For the purpose of funding placement costs including foster care payments, related services, expenses related to training of foster parents, residential treatment placements and therapeutic treatment services, and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level

From General Revenue Fund.....	\$1,746,941
From Federal Funds.....	371,650
Total.....	<u>\$2,118,591</u>

SECTION 14.290.— To the Department of Social Services

For the Children's Division

For the purpose of providing comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo. The purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings. Services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level

From General Revenue Fund.....	\$182,984
From Federal Funds.....	60,994
Total.....	<u>\$243,978</u>

SECTION 14.295.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the MO HealthNet fee-for-service and managed care programs and for the purpose of funding professional fees for pharmacists and for a comprehensive chronic care risk management program provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level

From General Revenue Fund.....	\$17,798,248
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SECTION 14.300.— There is transferred out of the State Treasury from the

General Revenue Fund to the Pharmacy Reimbursement Allowance Fund

From General Revenue Fund.....	\$1,827,854
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SECTION 14.305.— There is transferred out of the State Treasury from the

Pharmacy Reimbursement Allowance Fund to the General Revenue Fund

as a result of recovering the Pharmacy Reimbursement Allowance Fund

From Pharmacy Reimbursement Allowance Fund.....	\$1,827,854
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SECTION 14.310.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, including physician assistant's

services, and laboratory and x-ray services, and family planning services under the MO HealthNet fee-for-service and managed care programs, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level

From General Revenue Fund. \$6,041,034

SECTION 14.315.— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding dental services, including extractions for adults for emergency room diversions, under the MO HealthNet fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level. The MO HealthNet Division of the Department of Social Services may implement a state wide dental delivery system to ensure participation of, and, access to providers in all areas of the state. The MO HealthNet Division may administer the system or may seek a third party experienced in the administration of dental benefits to administer the program under the supervision of the division

From General Revenue Fund. \$384,474

SECTION 14.320.— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service and managed care programs, and for administration of these services, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level, and provided that additional funding shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the fifth mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety

From General Revenue Fund. \$495,098

SECTION 14.325.— To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding payments to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the MO HealthNet fee-for-service programs or State Medical Program and for administration of these programs as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, provided that services and/or provider rates shall be no less than the Fiscal Year 2013 level and further provided that the Department shall request

supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level, and provided that additional funding from the Ambulance Service Reimbursement Allowance Fund shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety

From General Revenue Fund. \$4,000,000

SECTION 14.330.— To the Department of Social Services
For the MO HealthNet Division
For Safety Net Payments
From General Revenue Fund. \$30,365,444

For Graduate Medical Education
From General Revenue Fund. 10,000,000
Total. \$40,365,444

SECTION 14.335.— There is transferred out of the State Treasury, chargeable to the Department of Social Services
Intergovernmental Transfer Fund to the General Revenue Fund for the purpose of providing the state match for Medicaid payments
From Department of Social Services Intergovernmental Transfer Fund \$1,862,080

SECTION 14.340.— There is transferred out of the State Treasury from the General Revenue Fund to the Nursing Facility Federal Reimbursement Allowance Fund
From General Revenue Fund. \$22,680,582

SECTION 14.345.— There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Nursing Facility Federal Reimbursement Allowance Fund
From Nursing Facility Federal Reimbursement Allowance Fund. \$22,680,582

SECTION 14.350.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of supplementing appropriations for any medical service and expense under the MO HealthNet fee-for-service, managed care, or state medical programs, including related services
From General Revenue Fund. \$1,775,416
From Uncompensated Care Fund 3,800,000
From Blind Pension Premium Fund 4,580,479
Total. \$10,155,895

SECTION 14.355.— To the Secretary of State
For the purpose of funding military and absentee ballots
From General Revenue Fund. \$100,000

SECTION 14.360.— To the State Treasurer
There is transferred out of the State Treasury, chargeable to the

Abandoned Fund Account, to the General Revenue Fund
 From Abandoned Fund Account. \$1E

SECTION 14.365.— To the State Treasurer
 For refunds of excess interest from the Linked Deposit Program
 From General Revenue Fund. \$2,400

SECTION 14.370.— To the Supreme Court
 For the State Courts Administrator
 For the purpose of funding court transcript fees
 From General Revenue Fund. \$51,957

SECTION 14.375.— To the Office of the State Public Defender
 For payment of Missouri Bar dues
 Expense and Equipment
 From General Revenue Fund \$33,435

Bill Totals
 General Revenue Fund. \$165,944,195
 Federal Funds 80,858,320
 Other Funds. 80,675,145
 Total \$327,477,660

Approved April 23, 2014

HB 2021 [SCS HCS HB 2021]

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

APPROPRIATIONS: CAPITAL IMPROVEMENTS

AN ACT to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, from the funds herein designated for the fiscal period beginning July 1, 2014 and ending June 30, 2015.

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2014 and ending June 30, 2015, as follows:

***SECTION 21.005.**— To the Office of Administration
 For the purchase of voting machines for county clerk operations
 From Surplus Revenue Fund. \$7,500,000

*I hereby veto \$7,500,000 Surplus Revenue Fund for the purchase of voting machines for county clerk operations.

Said section is vetoed in its entirety from \$7,500,000 to \$0 from Surplus Revenue Fund.
From \$7,500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 21.015.— To the Department of Elementary and Secondary Education
For construction of a recreation area at the Verelle Peniston State School for
the Severely Disabled
From General Revenue Fund. \$25,000

SECTION 21.020.— To the University of Missouri
For planning, design, renovation, and construction of a Free Enterprise Center
on the Kansas City campus, local matching funds must be provided on
a 50/50 state/local match rate in order to be eligible for state funds
pursuant to Section 173.480, RSMo
From General Revenue Fund. \$7,400,000

SECTION 21.025.— To the University of Missouri
For planning, design, renovation, and construction of the College of Business
Administration Building on the St. Louis campus, local matching funds
must be provided on a 50/50 state/local match rate in order to be eligible
for state funds pursuant to Section 173.480, RSMo
From General Revenue Fund. \$10,000,000

SECTION 21.035.— To the University of Missouri
For planning, design, renovation, and construction of an experimental mines
building on the Rolla campus, local matching funds must be provided
on a 50/50 state/local match rate in order to be eligible for state funds
pursuant to Section 173.480, RSMo
From General Revenue Fund. \$1,200,000

SECTION 21.040.— To the University of Missouri
For planning, design, renovation, and construction of an applied learning
center on the Columbia campus, local matching funds must be provided
on a 50/50 state/local match rate in order to be eligible for state funds
pursuant to Section 173.480, RSMo
From General Revenue Fund. \$10,000,000

***SECTION 21.045.**— To the University of Missouri
For planning, design, renovation, and construction of fine and performing arts
facilities on the Columbia campus, local matching funds must be provided on
a 50/50 state/local match rate in order to be eligible for state funds pursuant
to Section 173.480, RSMo
From Higher Education Capital Fund. \$2,766,000

*I hereby veto \$2,766,000 Higher Education Capital Fund for planning, design, renovation, and
construction of fine and performing arts facilities on the University of Missouri-Columbia
campus.

Said section is vetoed in its entirety from \$2,766,000 to \$0 Higher Education Capital Fund.
From \$2,766,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 21.050.**— To the University of Missouri
 For planning, design, renovation, and construction of a teaching and research winery addition on the Columbia campus, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$1,500,000

*I hereby veto \$1,500,000 Higher Education Capital Fund for planning, design, renovation, and construction of a teaching and research winery addition on the University of Missouri-Columbia campus.

Said section is vetoed in its entirety from \$1,500,000 to \$0 Higher Education Capital Fund.
 From \$1,500,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 21.055.**— To Harris-Stowe State University
 For planning, design, renovation, and construction of the Vashon Center, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$1,000,000

*I hereby veto \$1,000,000 Higher Education Capital Fund for planning, design, renovation, and construction of the Vashon Center at Harris-Stowe State University.

Said section is vetoed in its entirety from \$1,000,000 to \$0 Higher Education Capital Fund.
 From \$1,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 21.060.**— To Lincoln University
 For planning, design, renovation, and construction of a campus recreation center, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$2,800,000

*I hereby veto \$2,800,000 Higher Education Capital Fund for planning, design, renovation, and construction of a campus recreation center at Lincoln University.

Said section is vetoed in its entirety from \$2,800,000 to \$0 Higher Education Capital Fund.
 From \$2,800,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 21.062.— To Missouri Southern State University
 For planning, design, renovation, and construction of science laboratories in Reynold's Hall, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From General Revenue Fund. \$1,500,000

SECTION 21.065.— To Missouri State University
 For planning, design, renovation, and construction of an admissions center,
 local matching funds must be provided on a 50/50 state/local match rate
 in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From General Revenue Fund. \$2,250,000

SECTION 21.070.— To Northwest Missouri State University
 For planning, design, renovation, and construction of an agriculture learning
 center, local matching funds must be provided on a 50/50 state/local match
 rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From General Revenue Fund. \$250,000

SECTION 21.075.— To Southeast Missouri State University
 For planning, design, renovation, and construction at Memorial Hall, local
 matching funds must be provided on a 50/50 state/local match rate in
 order to be eligible for state funds pursuant to Section 173.480, RSMo
 From General Revenue Fund. \$2,000,000

***SECTION 21.085.**— To the Coordinating Board for Higher Education
 For planning, design, renovation, and construction of student success centers
 at Metropolitan Community College, local matching funds must be
 provided on a 50/50 state/local match rate in order to be eligible for
 state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$2,000,000

*I hereby veto \$2,000,000 Higher Education Capital Fund for planning, design, renovation, and construction of student success centers at Metropolitan Community College.

Said section is vetoed in its entirety from \$2,000,000 to \$0 Higher Education Capital Fund.
 From \$2,000,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 21.090.**— To the Coordinating Board for Higher Education
 For planning, design, renovation, and construction of an automotive and metal
 technology center at State Fair Community College, local matching funds
 must be provided on a 50/50 state/local match rate in order to be eligible
 for state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$4,175,000

*I hereby veto \$4,175,000 Higher Education Capital Fund for planning, design, renovation, and construction of an automotive and metal technology center at State Fair Community College.

Said section is vetoed in its entirety from \$4,175,000 to \$0 Higher Education Capital Fund.
 From \$4,175,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

***SECTION 21.095.**— To the Coordinating Board for Higher Education
 For planning, design, renovation, and construction of the corridors and common
 space at the Cassville campus of Crowder College, local matching funds
 must be provided on a 50/50 state/local match rate in order to be eligible

for state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$375,000

*I hereby veto \$375,000 Higher Education Capital Fund for planning, design, renovation, and construction of the corridors and common space at the Cassville campus of Crowder College.

Said section is vetoed in its entirety from \$375,000 to \$0 Higher Education Capital Fund.
 From \$375,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 21.097.— To the Coordinating Board for Higher Education
 For planning, design, renovation, and construction of the Hickey building on
 the Webb City campus of Crowder College, local matching funds must
 be provided on a 50/50 state/local match rate in order to be eligible for
 state funds pursuant to Section 173.480, RSMo
 From General Revenue Fund. \$375,000

***SECTION 21.100.**— To the Coordinating Board for Higher Education
 For planning, design, renovation, and construction of an eastern campus
 for Three Rivers Community College, local matching funds must
 be provided on a 50/50 state/local match rate in order to be eligible
 for state funds pursuant to Section 173.480, RSMo
 From Higher Education Capital Fund. \$5,666,046

*I hereby veto \$5,666,046 Higher Education Capital Fund for planning, design, renovation, and construction of an eastern campus for Three Rivers Community College.

Said section is vetoed in its entirety from \$5,666,046 to \$0 Higher Education Capital Fund.
 From \$5,666,046 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 21.105.— To the Coordinating Board for Higher Education
 For planning, design, renovation, and construction of Geyer Hall at North
 Central Missouri College, local matching funds must be provided on a
 50/50 state/local match rate in order to be eligible for state funds pursuant
 to Section 173.480, RSMo
 From General Revenue Fund. \$1,400,000

***SECTION 21.110.**— Funds are to be transferred out of the State Treasury,
 chargeable to the Surplus Revenue Fund, to the Higher Education Capital
 Fund
 From Surplus Revenue Fund. \$20,282,046

*I hereby veto \$20,282,046 Surplus Revenue Fund for transfer to the Higher Education Capital Fund.

Said section is vetoed in its entirety from \$20,282,046 to \$0 from Surplus Revenue Fund.
 From \$20,282,046 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 21.115. — To the Office of Administration For the Division of Accounting For payment of principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings Bonds From General Revenue Fund.	\$10,110,000
SECTION 21.120. — To the Department of Transportation For planning, design, and construction of a passenger rail station in proximity to a business incubator in St. Louis From Board of Public Buildings Bond Proceeds Fund.	\$11,000,000
SECTION 21.125. — To the University of Missouri For planning, design, and construction of a business incubator in St. Louis From Board of Public Buildings Bond Proceeds Fund.	\$8,000,000
SECTION 21.130. — To the University of Missouri For planning, design, and construction of strategic renovations and additions to Lafferre Hall From Board of Public Buildings Bond Proceeds Fund.	\$38,500,000
SECTION 21.135. — To the University of Missouri For planning, design, and construction of the State Historical Society Building and Museum From Board of Public Buildings Bond Proceeds Fund.	\$25,000,000
SECTION 21.140. — To the University of Missouri For planning, design, and construction of a new medical school on the Kansas City campus From Board of Public Buildings Bond Proceeds Fund.	\$19,000,000
SECTION 21.145. — To Missouri State University For planning, design, and construction of the Ozarks Health and Life Science Center From Board of Public Buildings Bond Proceeds Fund.	\$40,000,000
SECTION 21.150. — To the Office of Administration For the State Highway Patrol For replacement of the Troop F garage From General Revenue Fund. From Gaming Commission Fund. From State Highways and Transportation Department Fund Total.	\$390,000 405,000 3,735,000 <u>\$4,530,000</u>
*SECTION 21.155. — To the Department of Natural Resources For surface water improvements and construction of a water reservoir in a county of the third classification with a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than three hundred but fewer than four hundred inhabitants as the county seat From General Revenue Fund.	\$200,000

*I hereby veto \$200,000 general revenue for surface water improvements and construction of a water reservoir in Caldwell County.

Said section is vetoed in its entirety from \$200,000 to \$0 from General Revenue Fund.
From \$200,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

Bill Totals

General Revenue Fund.	\$47,100,000
Other Funds.	<u>173,422,046</u>
Total.	\$220,522,046

Approved June 24, 2014

HB 1064 [HB 1064]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Removes references to the phrases "mentally retarded" and "mental retardation" from statute and replaces them with "intellectually disabled" and "intellectual disability", respectively

AN ACT to repeal sections 178.656, 197.315, 205.968, 208.215, 208.275, as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, 210.211, 210.516, 211.202, 211.203, 226.805, 287.812, 376.810, 475.010, 475.120, 475.355, 552.040, 563.033, 565.030, 630.003, 630.005, 630.130, 630.340, 630.705, 633.020, 633.105, 633.170, 633.401, 660.075, and 660.405, RSMo, and to enact in lieu thereof twenty-nine new sections relating to individuals with disabilities.

SECTION

- A. Enacting clause.
- 178.656. Organization of centers, board of directors, staff — services provided — disabilities served — compliance with local laws and ordinances required.
- 197.315. Certificate of need granted, when — forfeiture, grounds — application for certificate, fee — certificate not required, when.
- 205.968. Facilities authorized — persons to be served, limitations, definitions.
- 208.215. Payer of last resort — liability for debt due the state, ceiling — rights of department, when, procedure, exception — report of injuries required, form, recovery of funds — recovery of medical assistance paid, when — court may adjudicate rights of parties, when.
- 210.211. License required — exceptions — disclosure of licensure status, when.
- 210.516. Exceptions to license requirement — division may not require documentation.
- 211.202. Mentally disordered children, evaluation — disposition — review by court.
- 211.203. Developmentally disabled children, evaluation — disposition — review by court.
- 226.805. Interstate agency committee on special transportation created — members — powers and duties.
- 287.812. Definitions.
- 376.810. Definitions for policy requirements for chemical dependency.
- 475.010. Definitions.
- 475.120. General powers and duties of guardian of the person — social service agency acting on behalf of ward, requirements.
- 475.355. Temporary emergency detention.
- 552.040. Definitions — acquittal based on mental disease or defect, commitment to state hospital required — immediate conditional release — conditional or unconditional release, when — prior commitment, authority to revoke — applications for release, notice, burden of persuasion, criteria — hearings required, when — denial, reapplication — escape, notice — additional criteria for release.
- 563.033. Battered spouse syndrome evidence that defendant acted in self-defense or defense of another — procedure.
- 565.030. Trial procedure, first degree murder.
- 630.003. Department created — state mental health commission — Missouri institute of mental health — transfers of powers and agencies.
- 630.005. Definitions.
- 630.130. Electroconvulsive therapy, procedure — prohibitions — attorney's fees.
- 630.340. Sheltered workshops and activity centers authorized — operation.
- 630.705. Rules for standards for facilities and programs for persons affected by mental disorder, mental illness, or developmental disability — classification of facilities and programs — certain facilities and programs not to be licensed.
- 633.020. Advisory council on developmental disabilities — members, number, terms, qualifications, appointment — organization, meetings — duties.
- 633.105. Regional centers to secure services.
- 633.170. Definitions.
- 633.401. Definitions — assessment imposed, formula — rates of payment — fund created, use of moneys — record-keeping requirements — report — appeal process — rulemaking authority — expiration date.
- 660.075. Intermediate care facility for intellectually disabled — certificate of authorization needed for provider agreement — exception — certificates not to be issued, when — notice to department, when.
- 660.405. Exceptions to licensure requirements for adult day care centers.

1. Intellectually disabled and intellectual disability, use of terms — revisor to change statutory references.
- 208.275. Coordinating council on special transportation, creation — members, qualifications, appointment, terms, expenses — staff — powers — duties.

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

SECTION A. ENACTING CLAUSE. — Sections 178.656, 197.315, 205.968, 208.215, 208.275, as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, 210.211, 210.516, 211.202, 211.203, 226.805, 287.812, 376.810, 475.010, 475.120, 475.355, 552.040, 563.033, 565.030, 630.003, 630.005, 630.130, 630.340, 630.705, 633.020, 633.105, 633.170, 633.401, 660.075, and 660.405, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 178.656, 197.315, 205.968, 208.215, 210.211, 210.516, 211.202, 211.203, 226.805, 287.812, 376.810, 475.010, 475.120, 475.355, 552.040, 563.033, 565.030, 630.003, 630.005, 630.130, 630.340, 630.705, 633.020, 633.105, 633.170, 633.401, 660.075, 660.405, and 1, to read as follows:

178.656. ORGANIZATION OF CENTERS, BOARD OF DIRECTORS, STAFF — SERVICES PROVIDED — DISABILITIES SERVED — COMPLIANCE WITH LOCAL LAWS AND ORDINANCES REQUIRED. — 1. Centers for independent living shall be community-based nonresidential programs designed to promote independent living for persons with disabilities. Such centers shall be organized as nonprofit corporations with persons with disabilities comprising at least fifty-one percent of the governing board of directors.

2. At least fifty-one percent of the staff of such centers shall be persons with disabilities.

3. The center shall provide to persons with disabilities within the center's target population and their families the following independent living services:

- (1) Advocacy;
- (2) Independent living skills training, which shall include but shall not be limited to health care and financial management;
- (3) Peer counseling;
- (4) Information and referral to all inquirers including those from outside the center's target population.

4. The center may provide or make available, but is not limited to, the following:

- (1) Legal services;
- (2) Other counseling services, which may include nonpeer, group, and family counseling;
- (3) Housing services;
- (4) Equipment services;
- (5) Transportation services;
- (6) Social and recreational services;
- (7) Educational services;
- (8) Vocational services, including supported employment;
- (9) Reader, interpreter, and other communication services;
- (10) Attendant and homemaker services; and
- (11) Electronic services.

5. To qualify as a center for independent living under the provisions of sections 178.651 to 178.658, centers shall serve at least four of the following types of disabilities:

- (1) Mobility;
- (2) Orthopedic;
- (3) Hearing impaired or deaf;
- (4) Vision impaired or blind;
- (5) Neurological;
- (6) [Mental retardation] **Intellectual disability**;
- (7) Developmental;

- (8) Psychiatric or mental; or
- (9) Learning.

6. Centers shall make maximum use of existing resources available to persons with disabilities and shall not duplicate any existing services or programs in the geographic areas to the extent that such services or programs are available through other state resources. Such centers shall, however, provide information and referral to assist persons with disabilities in obtaining available services and shall coordinate, where feasible, the delivery of such services.

7. Centers shall operate in compliance with all applicable local laws and ordinances.

197.315. CERTIFICATE OF NEED GRANTED, WHEN — FORFEITURE, GROUNDS — APPLICATION FOR CERTIFICATE, FEE — CERTIFICATE NOT REQUIRED, WHEN. — 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge.

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the [mentally retarded] **intellectually disabled**.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.

205.968. FACILITIES AUTHORIZED — PERSONS TO BE SERVED, LIMITATIONS, DEFINITIONS. — 1. As set forth in section 205.971, when a levy is approved by the voters, the governing body of any county or city not within a county of this state shall establish a board of directors. The board of directors shall be a legal entity empowered to establish and/or operate a sheltered workshop as defined in section 178.900, residence facilities, or related services, for the care or employment, or both, of persons with a disability. The facility may operate at one or more locations in the county or city not within a county. Once established, the board may, in its own name engage in and contract for any and all types of services, actions or endeavors, not contrary to the law, necessary to the successful and efficient prosecution and continuation of the business and purposes for which it is created, and may purchase, receive, lease or otherwise acquire, own, hold, improve, use, sell, convey, exchange, transfer, and otherwise dispose of real and personal property, or any interest therein, or other assets wherever situated and may incur liability and may borrow money at rates of interest up to the market rate published by the Missouri division of finance. The board shall be taken and considered as a "political subdivision" as the term is defined in section 70.600 for the purposes of sections 70.600 to 70.755.

2. Services may only be provided for those persons defined as persons with a disability in section 178.900 and those persons defined as persons with a disability in this section whether or not employed at the facility or in the community, and for persons who are disabled due to developmental disability. Persons having substantial functional limitations due to a mental illness as defined in section 630.005 shall not be eligible for services under the provisions of sections 205.968 to 205.972 except that those persons may participate in services under the provisions of sections 205.968 to 205.972. All persons otherwise eligible for facilities or services under this section shall be eligible regardless of their age; except that, individuals employed in sheltered workshops must be at least sixteen years of age. The board may, in its discretion, impose limitations with respect to individuals to be served and services to be provided. Such limitations shall be reasonable in the light of available funds, needs of the persons and community to be served as assessed by the board, and the appropriateness and efficiency of combining services to persons with various types of disabilities.

3. For the purposes of sections 205.968 to 205.972, the term

(1) "Developmental disability" shall mean either or both paragraph (a) or (b) of this subsection:

(a) A disability which is attributable to [mental retardation] **intellectual disability**, cerebral palsy, autism, epilepsy, a learning disability related to a brain dysfunction or a similar condition found by comprehensive evaluation to be closely related to such conditions, or to require habilitation similar to that required for [mentally retarded] **intellectually disabled** persons; and

a. Which originated before age eighteen; and

b. Which can be expected to continue indefinitely;

(b) A developmental disability as defined in section 630.005;

(2) "Person with a disability" shall mean a person who is lower range educable or upper range trainable [mentally retarded] **intellectually disabled** or a person who has a developmental disability.

208.215. PAYER OF LAST RESORT — LIABILITY FOR DEBT DUE THE STATE, CEILING — RIGHTS OF DEPARTMENT, WHEN, PROCEDURE, EXCEPTION — REPORT OF INJURIES REQUIRED, FORM, RECOVERY OF FUNDS — RECOVERY OF MEDICAL ASSISTANCE PAID, WHEN — COURT MAY ADJUDICATE RIGHTS OF PARTIES, WHEN. — 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made on behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. Any health benefit plan as defined in section 376.1350, third-party administrator, administrative service organization, and pharmacy benefits manager shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:

(1) For a period of three years from the date services were provided or rendered; however, an entity:

(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;

(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;

(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third-party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third-party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and

(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and

(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080 to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A participant who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080 to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a participant to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a

reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care

and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. The computerized records of the MO HealthNet division, certified by the director or his or her designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, regardless of whether an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The

notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the [mentally retarded] **intellectually disabled**, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536 before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b. of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130 or section 484.140, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the

entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

- (1) Actual and legal issues of liability as may exist between the participant and the liable party;
- (2) Total funds available for settlement; and
- (3) An estimate of the cost to the division of pursuing its claim.

210.211. LICENSE REQUIRED — EXCEPTIONS — DISCLOSURE OF LICENSURE STATUS, WHEN. — 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, [mental retardation] **intellectual disability** or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care

facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

210.516. EXCEPTIONS TO LICENSE REQUIREMENT — DIVISION MAY NOT REQUIRE DOCUMENTATION. — 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

(1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;

(2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;

(3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;

(4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health under sections 630.705 to 630.760 which provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, [mental retardation] **intellectual disability** or developmental disability, as defined in section 630.005;

(5) Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization; or

(6) Any institution or agency maintained or operated by the state, city or county.

2. The division shall not require any foster home, residential care facility, or child placing agency which believes itself exempt from licensure as provided in subsection 1 of this section to submit any documentation in support of the claimed exemption; however said foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so.

211.202. MENTALLY DISORDERED CHILDREN, EVALUATION — DISPOSITION — REVIEW BY COURT. — 1. If a child under the jurisdiction of the juvenile court appears to be mentally disordered, other than intellectually disabled or developmentally disabled, the court, on its own motion or on the motion or petition of any interested party, may order the department of mental health to evaluate the child.

2. A mental health facility designated by the department of mental health shall perform within twenty days an evaluation of the child, on an outpatient basis if practicable, for the purpose of determining whether inpatient admission is appropriate because the following criteria are met:

(1) The child has a mental disorder other than [mental retardation] **intellectual disability** or developmental disability, as all these terms are defined in chapter 630;

(2) The child requires inpatient care and treatment for the protection of himself or others;

(3) A mental health facility offers a program suitable for the child's needs;

(4) A mental health facility is the least restrictive environment as the term "least restrictive environment" is defined in chapter 630.

3. If the facility determines, as a result of the evaluation, that it is appropriate to admit the child as an inpatient, the head of the mental health facility, or his designee, shall recommend the child for admission, subject to the availability of suitable accommodations, and send the juvenile court notice of the recommendation and a copy of the evaluation. Should the department

evaluation recommend inpatient care, the child, his parent, guardian or counsel shall have the right to request an independent evaluation of the child. Within twenty days of the receipt of the notice and evaluation by the facility, or within twenty days of the receipt of the notice and evaluation from the independent examiner, the court may order, pursuant to a hearing, the child committed to the custody of the department of mental health for inpatient care and treatment, or may otherwise dispose of the matter; except, that no child shall be committed to a mental health facility under this section for other than care and treatment.

4. If the facility determines, as a result of the evaluation, that inpatient admission is not appropriate, the head of the mental health facility, or his designee, shall not recommend the child for admission as an inpatient. The head of the facility, or his designee, shall send to the court a notice that inpatient admission is not appropriate, along with a copy of the evaluation, within twenty days of completing the evaluation. If the child was evaluated on an inpatient basis, the juvenile court shall transfer the child from the department of mental health within twenty days of receipt of the notice and evaluation or set the matter for hearing within twenty days, giving notice of the hearing to the director of the facility as well as all others required by law.

5. If at any time the facility determines that it is no longer appropriate to provide inpatient care and treatment for the child committed by the juvenile court, but that such child appears to qualify for placement under section 630.610, the head of the facility shall refer such child for placement. Subject to the availability of an appropriate placement, the department of mental health shall place any child who qualifies for placement under section 630.610. If no appropriate placement is available, the department of mental health shall discharge the child or make such other arrangements as it may deem appropriate and consistent with the child's welfare and safety. Notice of the placement or discharge shall be sent to the juvenile court which first ordered the child's detention.

6. The committing juvenile court shall conduct an annual review of the child's need for continued placement in the mental health facility.

211.203. DEVELOPMENTALLY DISABLED CHILDREN, EVALUATION — DISPOSITION — REVIEW BY COURT. — 1. If a child under the jurisdiction of the juvenile court appears to be [mentally retarded] **intellectually disabled** or developmentally disabled, as these terms are defined in chapter 630, the court, on its own motion or on the motion or petition of any interested party, may order the department of mental health to evaluate the child.

2. A regional center designated by the department of mental health shall perform within twenty days a comprehensive evaluation, as defined in chapter 633, on an outpatient basis if practicable, for the purpose of determining the appropriateness of a referral to a developmental disability facility operated or funded by the department of mental health. If it is determined by the regional center, as a result of the evaluation, to be appropriate to refer such child to a department developmental disability facility under section 633.120 or a private developmental disability facility under section 630.610, the regional center shall refer the evaluation to the appropriate developmental disability facility.

3. If, as a result of reviewing the evaluation, the head of the developmental disability facility, or his designee, determines that it is appropriate to admit such child as a resident, the head of the developmental disability facility, or his or her designee, shall recommend the child for admission, subject to availability of suitable accommodations. The head of the regional center, or his designee, shall send the juvenile court notice of the recommendation for admission by the developmental disability facility and a copy of the evaluation. Should the department evaluation recommend residential care and habilitation, the child, his parent, guardian or counsel shall have the right to request an independent evaluation of the child. Within twenty days of receipt of the notice and evaluation from the facility, or within twenty days of the receipt of the notice and evaluation from the independent examiner, the court may order, pursuant to a hearing, the child committed to the custody of the department of mental health for residential care and habilitation, or may otherwise dispose of the matter; except, that no child shall be committed to

the department of mental health for other than residential care and habilitation. If the department proposes placement at, or transferring the child to, a department facility other than that designated in the order of the juvenile court, the department shall conduct a due process hearing within six days of such placement or transfer during which the head of the initiating facility shall have the burden to show that the placement or transfer is appropriate for the medical needs of the child. The head of the facility shall notify the court ordering detention or commitment and the child's last known attorney of record of such placement or transfer.

4. If, as a result of the evaluation, the regional center determines that it is not appropriate to admit such child as a resident in a developmental disability facility, the regional center shall send a notice to the court that it is inappropriate to admit such child, along with a copy of the evaluation. If the child was evaluated on a residential basis, the juvenile court shall transfer the child from the department within five days of receiving the notice and evaluation or set the matter for hearing within twenty days, giving notice of the hearing to the director of the facility as well as all others required by law.

5. If at any time the developmental disability facility determines that it is no longer appropriate to provide residential habilitation for the child committed by the juvenile court, but that such child appears to qualify for placement under section 630.610, the head of the facility shall refer such child for placement. Subject to the availability of an appropriate placement, the department shall place any child who qualifies for placement under section 630.610. If no appropriate placement is available, the department shall discharge the child or make such other arrangements as it may deem appropriate and consistent with the child's welfare and safety. Notice of the placement or discharge shall be sent to the juvenile court which first ordered the child's detention.

6. The committing court shall conduct an annual review of the child's need for continued placement at the developmental disability facility.

226.805. INTERSTATE AGENCY COMMITTEE ON SPECIAL TRANSPORTATION CREATED — MEMBERS — POWERS AND DUTIES. — 1. There is hereby created the "Interagency Committee on Special Transportation" within the Missouri department of transportation. The members of the committee shall be: The assistant for transportation of the Missouri department of transportation, or his designee; the assistant commissioner of the department of elementary and secondary education, responsible for special transportation, or his designee; the director of the division of aging of the department of social services, or his designee; the director of the division of family services of the department of social services, or his designee; the [deputy] director [for mental retardation/developmental] of the division of developmental disabilities and the deputy director for administration of the department of mental health, or their designees; the executive secretary of the governor's committee on the employment of the handicapped; and other state agency representatives as the governor deems appropriate for temporary or permanent membership by executive order.

2. The interagency committee on special transportation shall:

(1) Jointly designate substate special transportation planning and service areas within the state;

(2) Jointly designate a special transportation planning council for each special transportation planning and service area. The special transportation planning council shall be composed of the area agency on aging, the regional center for developmental disabilities, the regional planning commission and other local organizations responsible for funding and organizing special transportation designated by the interagency committee. The special transportation planning councils will oversee and approve the preparation of special transportation plans. Staff support for the special transportation planning councils will be provided by the regional planning commissions serving the area with funds provided by the department of transportation for this purpose;

(3) Jointly establish a uniform planning format and content;

(4) Individually and jointly establish uniform budgeting and reporting standards for all transportation funds administered by the member agencies. These standards shall be adopted into the administrative rules of each member agency;

(5) Individually establish annual allocations of funds to support special transportation services in each of the designated planning and service areas;

(6) Individually and jointly adopt a five-year planning budget for the capital and operating needs of special transportation in Missouri;

(7) Individually develop administrative and adopt rules for the substate division of special transportation funds;

(8) Jointly review and accept annual capital and operating plans for the designated special transportation planning and service areas;

(9) Individually submit proposed expenditures to the interagency committee for review as to conformity with the areas special transportation plans. All expenditures are to be made in accordance with the plans or by special action of the interagency committee.

3. The assistant for transportation of the Missouri department of transportation shall serve as chairman of the committee.

4. Staff for the committee shall be provided by the Missouri department of transportation.

5. The committee shall meet on such a schedule and carry out its duties in such a way as to discharge its responsibilities over special transportation expenditures made for the state fiscal year beginning July 1, 1989, and all subsequent years.

287.812. DEFINITIONS. — As used in sections 287.812 to 287.855, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Administrative law judge", any person appointed pursuant to section 287.610 or section 621.015, or any person who hereafter may have by law all of the powers now vested by law in administrative law judges appointed under the provisions of the workers' compensation law;

(2) "Beneficiary", a surviving spouse married to the deceased administrative law judge or legal advisor of the division of workers' compensation continuously for a period of at least two years immediately preceding the administrative law judge's or legal advisor's death and also on the day of the last termination of such person's employment as an administrative law judge or legal advisor for the division of workers' compensation, or if there is no surviving spouse eligible to receive benefits, any minor child of the deceased administrative law judge or legal advisor, or any child of the deceased administrative law judge or legal advisor who, regardless of age, is unable to support himself because of [mental retardation] **intellectual disability**, disease or disability, or any physical handicap or disability, who shall share in the benefits on an equal basis with all other beneficiaries;

(3) "Benefit", a series of equal monthly payments payable during the life of an administrative law judge or legal advisor of the division of workers' compensation retiring pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as provided in sections 287.812 to 287.850;

(4) "Board", the board of trustees of the Missouri state employees' retirement system;

(5) "Chief legal counsel", any person appointed or employed under section 287.615 to serve in the capacity of legal counsel to the division;

(6) "Division", the division of workers' compensation of the state of Missouri;

(7) "Legal advisor", any person appointed or employed pursuant to section 287.600, 287.615, or 287.616 to serve in the capacity as a legal advisor or an associate administrative law judge and any person appointed pursuant to section 286.010 or pursuant to section 295.030, and any attorney or legal counsel appointed or employed pursuant to section 286.070;

(8) "Salary", the total annual compensation paid for personal services as an administrative law judge or legal advisor, or both, of the division of workers' compensation by the state or any of its political subdivisions.

376.810. DEFINITIONS FOR POLICY REQUIREMENTS FOR CHEMICAL DEPENDENCY. —

As used in sections 376.810 to 376.814, the following terms mean: (1) "Chemical dependency", the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both; (2) "Community mental health center", a legal entity certified by the department of mental health or accredited by a nationally recognized organization, through which a comprehensive array of mental health services are provided to individuals; (3) "Day program services", a structured, intensive day or evening treatment or partial hospitalization program, certified by the department of mental health or accredited by a nationally recognized organization; (4) "Episode", a distinct course of chemical dependency treatment separated by at least thirty days without treatment; (5) "Health insurance policy", all health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families, which provide for hospital treatment. For the purposes of subsection 2 of section 376.811, "health insurance policy" shall also include any individually underwritten coverage issued by a health maintenance organization. The provisions of sections 376.810 to 376.814 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency; (6) "Licensed professional", a licensed physician specializing in the treatment of mental illness, a licensed psychologist, a licensed clinical social worker or a licensed professional counselor. Only prescription rights under this act shall apply to medical physicians and doctors of osteopathy; (7) "Managed care", the determination of availability of coverage under a health insurance policy through the use of clinical standards to determine the medical necessity of an admission or treatment, and the level and type of treatment, and appropriate setting for treatment, with required authorization on a prospective, concurrent or retrospective basis, sometimes involving case management; (8) "Medical detoxification", hospital inpatient or residential medical care to ameliorate acute medical conditions associated with chemical dependency; (9) "Nonresidential treatment program", a program certified by the department of mental health involving structured, intensive treatment in a nonresidential setting;

(10) "Recognized mental illness", those conditions classified as "mental disorders" in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, but shall not include [mental retardation] **intellectual disability**;

(11) "Residential treatment program", a program certified by the department of mental health involving residential care and structured, intensive treatment;

(12) "Social setting detoxification", a program in a supportive nonhospital setting designed to achieve detoxification, without the use of drugs or other medical intervention, to establish a plan of treatment and provide for medical referral when necessary.

475.010. DEFINITIONS. — When used in this chapter, unless otherwise apparent from the context, the following terms mean:

(1) "Adult", a person who has reached the age of eighteen years;

(2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before or after the appointment of a conservator, and liabilities of the estate which arise at or after the adjudication of disability or after the appointment of a conservator of the estate, including expenses of the adjudication and of administration. The term does not include demands or disputes regarding title of the protectee to specific assets alleged to be included in the estate;

(3) "Conservator", one appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in this chapter, includes limited conservator unless otherwise specified or apparent from the context;

(4) "Custodial parent", the parent of a minor who has been awarded sole or joint physical custody of such minor, or the parent of an incapacitated person who has been appointed as guardian of such person, by an order or judgment of a court of this state or of another state or

territory of the United States, or if there is no such order or judgment, the parent with whom the minor or incapacitated person primarily resides;

(5) "Disabled" or "disabled person", one who is:

(a) Unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources; or

(b) The term "disabled" or "disabled person", as used in this chapter includes the terms partially disabled or partially disabled person unless otherwise specified or apparent from the context;

(6) "Eligible person" or "qualified person", a natural person, social service agency, corporation or national or state banking organization qualified to act as guardian of the person or conservator of the estate pursuant to the provisions of section 475.055;

(7) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person. A "limited guardian" is one whose duties or powers are limited. A "standby guardian" is one approved by the court to temporarily assume the duties of guardian of a minor or of an incapacitated person under section 475.046. The term "guardian", as used in this chapter, includes limited guardian and standby guardian unless otherwise specified or apparent from the context;

(8) "Guardian ad litem", one appointed by a court, in which particular litigation is pending, to represent a minor, an incapacitated person, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this code;

(9) "Habilitation", instruction, training, guidance or treatment designed to enable and encourage a [mentally retarded] **intellectually disabled** or developmentally disabled person as defined in chapter 630 to acquire and maintain those life skills needed to cope more effectively with the demands of his or her own person and of his or her environment;

(10) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he or she lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term "incapacitated person" as used in this chapter includes the term partially incapacitated person unless otherwise specified or apparent from the context;

(11) "Least restrictive environment", that there shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent the ward from injuring himself or herself and others and to provide the ward with such care, habilitation and treatment as are appropriate for the ward considering his or her physical and mental condition and financial means;

(12) "Manage financial resources", either those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation of property, or those actions necessary to provide for the care and support of such person or anyone legally dependent upon such person by a person of ordinary skills and intelligence commensurate with his or her training and education;

(13) "Minor", any person who is under the age of eighteen years;

(14) "Parent", the biological or adoptive mother or father of a child whose parental rights have not been terminated under chapter 211, including:

(a) A person registered as the father of the child by reason of an unrevoked notice of intent to claim paternity under section 192.016;

(b) A person who has acknowledged paternity of the child and has not rescinded that acknowledgment under section 193.215; and

(c) A person presumed to be the natural father of the child under section 210.822;

(15) "Partially disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that such person lacks capacity to manage, in part, his or her financial resources;

(16) "Partially incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that such person lacks capacity to meet, in part, essential requirements for food, clothing, shelter, safety, or other care without court-ordered assistance;

(17) "Protectee", a person for whose estate a conservator or limited conservator has been appointed or with respect to whose estate a transaction has been authorized by the court under section 475.092 without appointment of a conservator or limited conservator;

(18) "Seriously ill", a significant likelihood that a person will become incapacitated or die within twelve months;

(19) "Social service agency", a charitable organization organized and incorporated as a not-for-profit corporation under the laws of this state and which qualifies as an exempt organization within the meaning of section 501(c)(3), or any successor provision thereto of the federal Internal Revenue Code;

(20) "Standby guardian", one who is authorized to have the temporary care and custody of the person of a minor or of an incapacitated person under the provisions of section 475.046;

(21) "Treatment", the prevention, amelioration or cure of a person's physical and mental illnesses or incapacities;

(22) "Ward", a minor or an incapacitated person for whom a guardian, limited guardian, or standby guardian has been appointed.

475.120. GENERAL POWERS AND DUTIES OF GUARDIAN OF THE PERSON — SOCIAL SERVICE AGENCY ACTING ON BEHALF OF WARD, REQUIREMENTS. — 1. The guardian of the person of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support and maintenance.

2. A guardian or limited guardian of an incapacitated person shall act in the best interest of the ward. A limited guardian of an incapacitated person shall have the powers and duties enumerated by the court in the adjudication order or any later modifying order.

3. The general powers and duties of a guardian of an incapacitated person shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties shall include, but not be limited to, the following:

- (1) Assure that the ward resides in the best and least restrictive setting reasonably available;
- (2) Assure that the ward receives medical care and other services that are needed;
- (3) Promote and protect the care, comfort, safety, health, and welfare of the ward;
- (4) Provide required consents on behalf of the ward;
- (5) To exercise all powers and discharge all duties necessary or proper to implement the provisions of this section.

4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission pursuant to section 475.370.

5. No guardian of the person shall have authority to seek admission of the guardian's ward to a mental health or [mental retardation] **intellectual disability** facility for more than thirty days for any purpose without court order except as otherwise provided by law.

6. Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of the ward.

7. A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

8. Any social service agency serving as guardian may not provide other services to the ward.

475.355. TEMPORARY EMERGENCY DETENTION. — 1. If, upon the filing of a petition for the adjudication of incapacity or disability it appears that the respondent, by reason of a mental disorder or intellectual disability or developmental disability, presents a likelihood of serious physical harm to himself or others, he may be detained in accordance with the provisions of chapter 632 if suffering from a mental disorder, or chapter 633 if the person has an intellectual or developmental disability, pending a hearing on the petition for adjudication.

2. As used in this section, the terms "mental disorder" and ["mental retardation"] "**intellectual disability**" shall be as defined in chapter 630 and the term "likelihood of serious physical harm to himself or others" shall be as **the term "likelihood of serious harm" is** defined in chapter 632.

3. The procedure for obtaining an order of temporary emergency detention shall be as prescribed by chapter 632, relating to prehearing detention of mentally disordered persons.

552.040. DEFINITIONS — ACQUITTAL BASED ON MENTAL DISEASE OR DEFECT, COMMITMENT TO STATE HOSPITAL REQUIRED — IMMEDIATE CONDITIONAL RELEASE — CONDITIONAL OR UNCONDITIONAL RELEASE, WHEN — PRIOR COMMITMENT, AUTHORITY TO REVOKE — APPLICATIONS FOR RELEASE, NOTICE, BURDEN OF PERSUASION, CRITERIA — HEARINGS REQUIRED, WHEN — DENIAL, REAPPLICATION — ESCAPE, NOTICE — ADDITIONAL CRITERIA FOR RELEASE. — 1. For the purposes of this section, the following words mean:

(1) "Prosecutor of the jurisdiction", the prosecuting attorney in a county or the circuit attorney of a city not within a county;

(2) "Secure facility", a state mental health facility, state developmental disability facility, private facility under contract with the department of mental health, or a section within any of these facilities, in which persons committed to the department of mental health pursuant to this chapter, shall not be permitted to move about the facility or section of the facility, nor to leave the facility or section of the facility, without approval by the head of the facility or such head's designee and adequate supervision consistent with the safety of the public and the person's treatment, habilitation or rehabilitation plan;

(3) "Tried and acquitted" includes both pleas of mental disease or defect excluding responsibility that are accepted by the court and acquittals on the ground of mental disease or defect excluding responsibility following the proceedings set forth in section 552.030.

2. When an accused is tried and acquitted on the ground of mental disease or defect excluding responsibility, the court shall order such person committed to the director of the department of mental health for custody. The court shall also order custody and care in a state mental health or [retardation] **intellectual disability** facility unless an immediate conditional release is granted pursuant to this section. If the accused has not been charged with a dangerous felony as defined in section 556.061, or with murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040, or the attempts thereof, and the examination contains an opinion that the accused should be immediately conditionally released to the community by the court, the court shall hold a hearing to determine if an immediate conditional release is appropriate pursuant to the procedures for conditional release set out in subsections 10 to 14 of this section. Prior to the hearing, the court shall direct the director of the department of mental health, or the director's designee, to have the accused examined to determine conditions of confinement in accordance with subsection 4 of section 552.020. The provisions of subsection 16 of this section shall be applicable to defendants granted an immediate conditional release and the director shall honor the immediate conditional release as granted by the court. If the court determines that an immediate conditional release is warranted, the court shall order the person committed to the director of the department of mental health before ordering such a release. The court granting the immediate conditional release shall retain jurisdiction over the case for the duration of the conditional release. This shall not limit the authority of the director of the department of mental health or the director's designee to revoke

the conditional release or the trial release of any committed person pursuant to subsection 17 of this section. If the accused is committed to a mental health or developmental disability facility, the director of the department of mental health, or the director's designee, shall determine the time, place and conditions of confinement.

3. The provisions of sections 630.110, 630.115, 630.130, 630.133, 630.135, 630.140, 630.145, 630.150, 630.180, 630.183, 630.192, 630.194, 630.196, 630.198, 630.805, 632.370, 632.395, and 632.435 shall apply to persons committed pursuant to subsection 2 of this section. If the department does not have a treatment or rehabilitation program for a mental disease or defect of an individual, that fact may not be the basis for a release from commitment. Notwithstanding any other provision of law to the contrary, no person committed to the department of mental health who has been tried and acquitted by reason of mental disease or defect as provided in section 552.030 shall be conditionally or unconditionally released unless the procedures set out in this section are followed. Upon request by an indigent committed person, the appropriate court may appoint the office of the public defender to represent such person in any conditional or unconditional release proceeding under this section.

4. Notwithstanding section 630.115, any person committed pursuant to subsection 2 of this section shall be kept in a secure facility until such time as a court of competent jurisdiction enters an order granting a conditional or unconditional release to a nonsecure facility.

5. The committed person or the head of the facility where the person is committed may file an application in the court that committed the person seeking an order releasing the committed person unconditionally; except that any person who has been denied an application for a conditional release pursuant to subsection 13 of this section shall not be eligible to file for an unconditional release until the expiration of one year from such denial. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the released person or the director of the department of mental health, or the director's designee, may file an application in the same court that released the committed person seeking an order releasing the committed person unconditionally. Copies of the application shall be served personally or by certified mail upon the head of the facility unless the head of the facility files the application, the committed person unless the committed person files the application, or unless the committed person was immediately conditionally released, the director of the department of mental health, and the prosecutor of the jurisdiction where the committed person was tried and acquitted. Any party objecting to the proposed release must do so in writing within thirty days after service. Within a reasonable period of time after any written objection is filed, which period shall not exceed sixty days unless otherwise agreed upon by the parties, the court shall hold a hearing upon notice to the committed person, the head of the facility, if necessary, the director of the department of mental health, and the prosecutor of the jurisdiction where the person was tried. Prior to the hearing any of the parties, upon written application, shall be entitled to an examination of the committed person, by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to [mentally retarded] **intellectually disabled** or mentally ill individuals of its own choosing and at its expense. The report of the mental condition of the committed person shall accompany the application. By agreement of all parties to the proceeding any report of the mental condition of the committed person which may accompany the application for release or which is filed in objection thereto may be received by evidence, but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

6. By agreement of all the parties and leave of court, the hearing may be waived, in which case an order granting an unconditional release shall be entered in accordance with subsection 8 of this section.

7. At a hearing to determine if the committed person should be unconditionally released, the court shall consider the following factors in addition to any other relevant evidence:

- (1) Whether or not the committed person presently has a mental disease or defect;

- (2) The nature of the offense for which the committed person was committed;
- (3) The committed person's behavior while confined in a mental health facility;
- (4) The elapsed time between the hearing and the last reported unlawful or dangerous act;
- (5) Whether the person has had conditional releases without incident; and
- (6) Whether the determination that the committed person is not dangerous to himself or others is dependent on the person's taking drugs, medicine or narcotics. The burden of persuasion for any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility shall be on the party seeking unconditional release to prove by clear and convincing evidence that the person for whom unconditional release is sought does not have, and in the reasonable future is not likely to have, a mental disease or defect rendering the person dangerous to the safety of himself or others.

8. The court shall enter an order either denying the application for unconditional release or granting an unconditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of one year from the denial of the last application.

9. No committed person shall be unconditionally released unless it is determined through the procedures in this section that the person does not have, and in the reasonable future is not likely to have, a mental disease or defect rendering the person dangerous to the safety of himself or others.

10. The committed person or the head of the facility where the person is committed may file an application in the court having probate jurisdiction over the facility where the person is detained for a hearing to determine whether the committed person shall be released conditionally. In the case of a person committed to a mental health facility upon acquittal on the grounds of mental disease or defect excluding responsibility for a dangerous felony as defined in section 556.061, murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040, any such application shall be filed in the court that committed the person. In such cases, jurisdiction over the application for conditional release shall be in the committing court. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the released person or the director of the department of mental health, or the director's designee, may file an application in the same court that released the person seeking to amend or modify the existing release. The procedures for application for unconditional releases set out in subsection 5 of this section shall apply, with the following additional requirements:

- (1) A copy of the application shall also be served upon the prosecutor of the jurisdiction where the person is being detained, unless the released person was immediately conditionally released after being committed to the department of mental health, or unless the application was required to be filed in the court that committed the person in which case a copy of the application shall be served upon the prosecutor of the jurisdiction where the person was tried and acquitted and the prosecutor of the jurisdiction into which the committed person is to be released;

- (2) The prosecutor of the jurisdiction where the person was tried and acquitted shall use their best efforts to notify the victims of dangerous felonies. Notification by the appropriate person or agency by certified mail to the most current address provided by the victim shall constitute compliance with the victim notification requirement of this section;

- (3) The application shall specify the conditions and duration of the proposed release;

- (4) The prosecutor of the jurisdiction where the person is being detained shall represent the public safety interest at the hearing unless the prosecutor of the jurisdiction where the person was tried and acquitted decides to appear to represent the public safety interest. If the application for release was required to be filed in the committing court, the prosecutor of the jurisdiction where the person was tried and acquitted shall represent the public safety interest. In the case of a person who was immediately conditionally released after being committed to the department of

mental health, the prosecutor of the jurisdiction where the person was tried and acquitted shall appear and represent the public safety interest.

11. By agreement of all the parties, the hearing may be waived, in which case an order granting a conditional release, stating the conditions and duration agreed upon by all the parties and the court, shall be entered in accordance with subsection 13 of this section.

12. At a hearing to determine if the committed person should be conditionally released, the court shall consider the following factors in addition to any other relevant evidence:

- (1) The nature of the offense for which the committed person was committed;
- (2) The person's behavior while confined in a mental health facility;
- (3) The elapsed time between the hearing and the last reported unlawful or dangerous act;
- (4) The nature of the person's proposed release plan;
- (5) The presence or absence in the community of family or others willing to take responsibility to help the defendant adhere to the conditions of the release; and
- (6) Whether the person has had previous conditional releases without incident. The burden of persuasion for any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility shall be on the party seeking release to prove by clear and convincing evidence that the person for whom release is sought is not likely to be dangerous to others while on conditional release.

13. The court shall enter an order either denying the application for a conditional release or granting conditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of one year from the denial of the last application.

14. No committed person shall be conditionally released until it is determined that the committed person is not likely to be dangerous to others while on conditional release.

15. If, in the opinion of the head of a facility where a committed person is being detained, that person can be released without danger to others, that person may be released from the facility for a trial release of up to ninety-six hours under the following procedure:

- (1) The head of the facility where the person is committed shall notify the prosecutor of the jurisdiction where the committed person was tried and acquitted and the prosecutor of the jurisdiction into which the committed person is to be released at least thirty days before the date of the proposed trial release;
- (2) The notice shall specify the conditions and duration of the release;
- (3) If no prosecutor to whom notice is required objects to the trial release, the committed person shall be released according to conditions and duration specified in the notice;
- (4) If any prosecutor objects to the trial release, the head of the facility may file an application with the court having probate jurisdiction over the facility where the person is detained for a hearing under the procedures set out in subsections 5 and 10 of this section with the following additional requirements:
 - (a) A copy of the application shall also be served upon the prosecutor of the jurisdiction into which the committed person is to be released; and
 - (b) The prosecutor or prosecutors who objected to the trial release shall represent the public safety interest at the hearing; and
- (5) The release criteria of subsections 12 to 14 of this section shall apply at such a hearing.

16. The department shall provide or shall arrange for follow-up care and monitoring for all persons conditionally released under this section and shall make or arrange for reviews and visits with the client at least monthly, or more frequently as set out in the release plan, and whether the client is receiving care, treatment, habilitation or rehabilitation consistent with his needs, condition and public safety. The department shall identify the facilities, programs or specialized services operated or funded by the department which shall provide necessary levels of follow-up care, aftercare, rehabilitation or treatment to the persons in geographical areas where they are released.

17. The director of the department of mental health, or the director's designee, may revoke the conditional release or the trial release and request the return of the committed person if such director or coordinator has reasonable cause to believe that the person has violated the conditions of such release. If requested to do so by the director or coordinator, a peace officer of a jurisdiction in which a patient on conditional release is found shall apprehend and return such patient to the facility. No peace officer responsible for apprehending and returning the committed person to the facility upon the request of the director or coordinator shall be civilly liable for apprehending or transporting such patient to the facility so long as such duties were performed in good faith and without negligence. If a person on conditional release is returned to a facility under the provisions of this subsection, a hearing shall be held within ninety-six hours, excluding Saturdays, Sundays and state holidays, to determine whether the person violated the conditions of the release or whether resumption of full-time hospitalization is the least restrictive alternative consistent with the person's needs and public safety. The director of the department of mental health, or the director's designee, shall conduct the hearing. The person shall be given notice at least twenty-four hours in advance of the hearing and shall have the right to have an advocate present.

18. At any time during the period of a conditional release or trial release, the court which ordered the release may issue a notice to the released person to appear to answer a charge of a violation of the terms of the release and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the released person. The warrant shall authorize the return of the released person to the custody of the court or to the custody of the director of mental health or the director's designee.

19. The head of a mental health facility, upon any notice that a committed person has escaped confinement, or left the facility or its grounds without authorization, shall immediately notify the prosecutor and sheriff of the county wherein the committed person is detained of the escape or unauthorized leaving of grounds and the prosecutor and sheriff of the county where the person was tried and acquitted.

20. Any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility for a dangerous felony as defined in section 556.061, murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040 shall not be eligible for conditional or unconditional release under the provisions of this section unless, in addition to the requirements of this section, the court finds that the following criteria are met:

- (1) Such person is not now and is not likely in the reasonable future to commit another violent crime against another person because of such person's mental illness; and
- (2) Such person is aware of the nature of the violent crime committed against another person and presently possesses the capacity to appreciate the criminality of the violent crime against another person and the capacity to conform such person's conduct to the requirements of law in the future.

563.033. BATTERED SPOUSE SYNDROME EVIDENCE THAT DEFENDANT ACTED IN SELF-DEFENSE OR DEFENSE OF ANOTHER — PROCEDURE. — 1. Evidence that the actor was suffering from the battered spouse syndrome shall be admissible upon the issue of whether the actor lawfully acted in self-defense or defense of another.

2. If the defendant proposes to offer evidence of the battered spouse syndrome, he shall file written notice thereof with the court in advance of trial. Thereafter, the court, upon motion of the state, shall appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to [mentally retarded] **intellectually disabled** or mentally ill individuals, who are neither employees nor contractors of the department of mental health for the purposes of performing the examination in question, to examine the accused, or shall direct the director of the department of mental health, or his designee, to have the accused so examined by one or

more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to [mentally retarded] **intellectually disabled** or mentally ill individuals designated by the director, or his designee, for the purpose of examining the defendant. No private psychiatrist, psychologist, or physician shall be appointed by the court unless he has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that if the order directs the director of the department of mental health to have the accused examined, the director, or his designee, shall determine the reasonable time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses.

3. No statement made by the accused in the course of any such examination and no information received by any physician or other person in the course thereof, whether such examination was made with or without the consent of the accused or upon his motion or upon that of others, shall be admitted in evidence against the accused on the issue of whether he committed the act charged against him in any criminal proceeding then or thereafter pending in any court, state or federal.

565.030. TRIAL PROCEDURE, FIRST DEGREE MURDER. — 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is [mentally retarded] **intellectually disabled**; or

(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed.

If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's [mental retardation] **intellectual disability** may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms ["mental retardation" or "mentally retarded"] **"intellectual disability" or "intellectually disabled"** refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern offenses committed on or after August 28, 2001.

630.003. DEPARTMENT CREATED — STATE MENTAL HEALTH COMMISSION — MISSOURI INSTITUTE OF MENTAL HEALTH — TRANSFERS OF POWERS AND AGENCIES. — 1. There is hereby created a department of mental health to be headed by a mental health commission who shall appoint a director, by and with the advice and consent of the senate. The director shall be the administrative head of the department and shall serve at the pleasure of the commission and be compensated as provided by law for the director, division of mental health. All employees of the department shall be selected in accordance with chapter 36.

2. (1) The "State Mental Health Commission", composed of seven members, is the successor to the former state mental health commission and it has all the powers, duties and responsibilities of the former commission. All members of the commission shall be appointed by the governor, by and with the advice and consent of the senate. None of the members shall otherwise be employed by the state of Missouri.

(2) Three of the commission members first appointed shall be appointed for terms of four years, and two shall be appointed for terms of three years, and two shall be appointed for a term of two years. The governor shall designate, at the time the appointments are made, the length of the term of each member so appointed. Thereafter all terms shall be for four years.

(3) At least two of the members of the commission shall be physicians, one of whom shall be recognized as an expert in the field of the treatment of nervous and mental diseases, and one of whom shall be recognized as an expert in the field of intellectual or developmental disabilities. At least two of the members of the commission shall be representative of persons or groups who are consumers having substantial interest in the services provided by the division, one of whom shall represent persons with an intellectual disability or developmental disability and one of

whom shall represent those persons being treated for nervous and mental diseases. Of the other three members at least one must be recognized for his expertise in general business management procedures, and two shall be recognized for their interest and expertise in dealing with alcohol/drug abuse problems, or community mental health services.

3. The provisions of sections 191.120, 191.125, 191.130, 191.140, 191.150, 191.160, 191.170, 191.180, 191.190, 191.200, 191.210 and others as they relate to the division of mental health not previously reassigned by executive reorganization plan number 2 of 1973 as submitted by the governor under chapter 26 are transferred by specific type transfer from the department of public health and welfare to the department of mental health. The division of mental health, department of health and welfare, chapter 202 and others are abolished and all powers, duties and functions now assigned by law to the division, the director of the divisions of mental health or any of the institutions or officials of the division are transferred by type I transfer to the department of mental health.

4. The Missouri institute of psychiatry, which is under the board of curators of the University of Missouri is hereafter to be known as the "Missouri Institute of Mental Health". The purpose of the institute will be that of conducting research into improving services for persons served by the department of mental health for fostering the training of psychiatric residents in public psychiatry and for fostering excellence in mental health services through employee training and the study of mental health policy and ethics. To assist in this training, hospitals operated by and providers contracting with the department of mental health may be used for the same purposes and under the same arrangements as the board of curators of the University of Missouri utilizes with other hospitals in the state in supervising residency training for medical doctors. Appropriations requests for the Missouri institute of mental health shall be jointly developed by the University of Missouri and the department of mental health. All appropriations for the Missouri institute of mental health shall be made to the curators of the University of Missouri but shall be submitted separately from the appropriations of the curators of the University of Missouri.

5. There is hereby established within the department of mental health a division of developmental disabilities. The director of the division shall be appointed by the director of the department. The division shall administer all state facilities under the direction and authority of the department director. The Marshall Habilitation Center, the Higginsville Habilitation Center, the Bellefontaine Habilitation Center, the Nevada Habilitation Center, the St. Louis Developmental Disabilities Treatment Centers, and the regional centers located at Albany, Columbia, Hannibal, Joplin, Kansas City, Kirksville, Poplar Bluff, Rolla, St. Louis, Sikeston and Springfield and other similar facilities as may be established, are transferred by type I transfer to the division of developmental disabilities.

6. All the duties, powers and functions of the advisory council on mental retardation and community health centers, sections 202.664 to 202.666, are hereby transferred by type I transfer to the division of mental retardation and developmental disabilities of the department of mental health. The advisory council on mental retardation and community health centers shall be appointed by the division director.

7. The advisory council on mental retardation and developmental disabilities heretofore established by executive order and all of the duties, powers and functions of the advisory council including the responsibilities of the provision of the council in regard to the Federal Development Disabilities Law (P.L. 91-517) and all amendments thereto are transferred by type I transfer to the division of [mental retardation and] developmental disabilities. The advisory council on mental retardation and developmental disabilities shall be appointed by the director of the division of [mental retardation and] developmental disabilities.

8. The advisory council on alcoholism and drug abuse, chapter 202, is transferred by type II transfer to the department of mental health and the members of the advisory council shall be appointed by the mental health director.

630.005. DEFINITIONS. — As used in this chapter and chapters 631, 632, and 633, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Administrative entity", a provider of specialized services other than transportation to clients of the department on behalf of a division of the department;

(2) "Alcohol abuse", the use of any alcoholic beverage, which use results in intoxication or in a psychological or physiological dependency from continued use, which dependency induces a mental, emotional or physical impairment and which causes socially dysfunctional behavior;

(3) "Chemical restraint", medication administered with the primary intent of restraining a patient who presents a likelihood of serious physical injury to himself or others, and not prescribed to treat a person's medical condition;

(4) "Client", any person who is placed by the department in a facility or program licensed and funded by the department or who is a recipient of services from a regional center, as defined in section 633.005;

(5) "Commission", the state mental health commission;

(6) "Consumer", a person:

(a) Who qualifies to receive department services; or

(b) Who is a parent, child or sibling of a person who receives department services; or

(c) Who has a personal interest in services provided by the department. A person who provides services to persons affected by intellectual disabilities, developmental disabilities, mental disorders, mental illness, or alcohol or drug abuse shall not be considered a consumer;

(7) "Day program", a place conducted or maintained by any person who advertises or holds himself out as providing prevention, evaluation, treatment, habilitation or rehabilitation for persons affected by mental disorders, mental illness, intellectual disabilities, developmental disabilities or alcohol or drug abuse for less than the full twenty-four hours comprising each daily period;

(8) "Department", the department of mental health of the state of Missouri;

(9) "Developmental disability", a disability:

(a) Which is attributable to:

a. [Mental retardation] **Intellectual disability**, cerebral palsy, epilepsy, head injury or autism, or a learning disability related to a brain dysfunction; or

b. Any other mental or physical impairment or combination of mental or physical impairments; and

(b) Is manifested before the person attains age twenty-two; and

(c) Is likely to continue indefinitely; and

(d) Results in substantial functional limitations in two or more of the following areas of major life activities:

a. Self-care;

b. Receptive and expressive language development and use;

c. Learning;

d. Self-direction;

e. Capacity for independent living or economic self-sufficiency;

f. Mobility; and

(e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, habilitation or other services which may be of lifelong or extended duration and are individually planned and coordinated;

(10) "Director", the director of the department of mental health, or his designee;

(11) "Domiciled in Missouri", a permanent connection between an individual and the state of Missouri, which is more than mere residence in the state; it may be established by the individual being physically present in Missouri with the intention to abandon his previous domicile and to remain in Missouri permanently or indefinitely;

(12) "Drug abuse", the use of any drug without compelling medical reason, which use results in a temporary mental, emotional or physical impairment and causes socially dysfunctional behavior, or in psychological or physiological dependency resulting from continued use, which dependency induces a mental, emotional or physical impairment and causes socially dysfunctional behavior;

(13) "Habilitation", a process of treatment, training, care or specialized attention which seeks to enhance and maximize a person with an intellectual disability or a developmental disability to cope with the environment and to live as normally as possible;

(14) "Habilitation center", a residential facility operated by the department and serving only persons who are developmentally disabled;

(15) "Head of the facility", the chief administrative officer, or his designee, of any residential facility;

(16) "Head of the program", the chief administrative officer, or his designee, of any day program;

(17) "Individualized habilitation plan", a document which sets forth habilitation goals and objectives for residents and clients with an intellectual disability or a developmental disability, and which details the habilitation program as required by law, rules and funding sources;

(18) "Individualized rehabilitation plan", a document which sets forth the care, treatment and rehabilitation goals and objectives for patients and clients affected by alcohol or drug abuse, and which details the rehabilitation program as required by law, rules and funding sources;

(19) "Individualized treatment plan", a document which sets forth the care, treatment and rehabilitation goals and objectives for patients and clients with mental disorders or mental illness, and which details the treatment program as required by law, rules and funding sources;

(20) "**Intellectual disability**", **significantly subaverage general intellectual functioning which:**

(a) Originates before age eighteen; and

(b) Is associated with a significant impairment in adaptive behavior;

(21) "Investigator", an employee or contract agent of the department of mental health who is performing an investigation regarding an allegation of abuse or neglect or an investigation at the request of the director of the department of mental health or his designee;

[(21)] (22) "Least restrictive environment", a reasonably available setting or mental health program where care, treatment, habilitation or rehabilitation is particularly suited to the level and quality of services necessary to implement a person's individualized treatment, habilitation or rehabilitation plan and to enable the person to maximize his or her functioning potential to participate as freely as feasible in normal living activities, giving due consideration to potentially harmful effects on the person and the safety of other facility or program clients and public safety. For some persons with mental disorders, intellectual disabilities, or developmental disabilities, the least restrictive environment may be a facility operated by the department, a private facility, a supported community living situation, or an alternative community program designed for persons who are civilly detained for outpatient treatment or who are conditionally released pursuant to chapter 632;

[(22)] (23) "Mental disorder", any organic, mental or emotional impairment which has substantial adverse effects on a person's cognitive, volitional or emotional function and which constitutes a substantial impairment in a person's ability to participate in activities of normal living;

[(23)] (24) "Mental illness", a state of impaired mental processes, which impairment results in a distortion of a person's capacity to recognize reality due to hallucinations, delusions, faulty perceptions or alterations of mood, and interferes with an individual's ability to reason, understand or exercise conscious control over his actions. The term "mental illness" does not include the following conditions unless they are accompanied by a mental illness as otherwise defined in this subdivision:

(a) [Mental retardation] **Intellectual disability**, developmental disability or narcolepsy;

- (b) Simple intoxication caused by substances such as alcohol or drugs;
- (c) Dependence upon or addiction to any substances such as alcohol or drugs;
- (d) Any other disorders such as senility, which are not of an actively psychotic nature;
- [(24) "Mental retardation", significantly subaverage general intellectual functioning which:
 - (a) Originates before age eighteen; and
 - (b) Is associated with a significant impairment in adaptive behavior;]
- (25) "Minor", any person under the age of eighteen years;
- (26) "Patient", an individual under observation, care, treatment or rehabilitation by any hospital or other mental health facility or mental health program pursuant to the provisions of chapter 632;
- (27) "Psychosurgery",
 - (a) Surgery on the normal brain tissue of an individual not suffering from physical disease for the purpose of changing or controlling behavior; or
 - (b) Surgery on diseased brain tissue of an individual if the sole object of the surgery is to control, change or affect behavioral disturbances, except seizure disorders;
- (28) "Rehabilitation", a process of restoration of a person's ability to attain or maintain normal or optimum health or constructive activity through care, treatment, training, counseling or specialized attention;
- (29) "Residence", the place where the patient has last generally lodged prior to admission or, in case of a minor, where his family has so lodged; except, that admission or detention in any facility of the department shall not be deemed an absence from the place of residence and shall not constitute a change in residence;
- (30) "Resident", a person receiving residential services from a facility, other than mental health facility, operated, funded or licensed by the department;
- (31) "Residential facility", any premises where residential prevention, evaluation, care, treatment, habilitation or rehabilitation is provided for persons affected by mental disorders, mental illness, intellectual disability, developmental disabilities or alcohol or drug abuse; except the person's dwelling;
- (32) "Specialized service", an entity which provides prevention, evaluation, transportation, care, treatment, habilitation or rehabilitation services to persons affected by mental disorders, mental illness, intellectual disabilities, developmental disabilities or alcohol or drug abuse;
- (33) "Vendor", a person or entity under contract with the department, other than as a department employee, who provides services to patients, residents or clients;
- (34) "Vulnerable person", any person in the custody, care, or control of the department that is receiving services from an operated, funded, licensed, or certified program.

630.130. ELECTROCONVULSIVE THERAPY, PROCEDURE — PROHIBITIONS — ATTORNEY'S FEES. — 1. Every patient, whether voluntary or involuntary, in a public or private mental health facility shall have the right to refuse electroconvulsive therapy.

2. Before electroconvulsive therapy may be administered voluntarily to a patient, the patient shall be informed, both orally and in writing, of the risks of the therapy and shall give his express written voluntary consent to receiving the therapy.

3. Involuntary electroconvulsive therapy may be administered under a court order after a full evidentiary hearing where the patient refusing such treatment is represented by counsel who shall advocate his or her position. The therapy may be administered on an involuntary basis only if it is shown, by clear and convincing evidence, that the therapy is necessary under the following criteria:

(1) There is a strong likelihood that the therapy will significantly improve or cure the patient's mental disorder for a substantial period of time without causing him any serious functional harm; and

(2) There is no less drastic alternative form of therapy which could lead to substantial improvement in the patient's condition. At the conclusion of such hearing, if the petitioner has

sustained his burden of proof, the court may order up to a specified number of involuntary electroconvulsive therapy treatments to be performed over a specified period of time.

4. Parents of minor patients or legal guardians of incompetent patients shall be required to obtain court orders authorizing electroconvulsive therapy under the procedures specified in subsection 3 of this section.

5. Persons who are diagnosed solely as [mentally retarded] **intellectually disabled** shall not be subject to electroconvulsive therapy.

6. If the judge finds that the respondent is unable to pay attorney's fees for the services rendered in the proceedings the judge shall allow a reasonable attorney's fee for the services, which fee shall be assessed as costs and paid together with all the costs in the proceeding by the state, in accordance with rules and regulations promulgated by the state court administrator, from funds appropriated to the office of administration for such purposes provided that no attorney's fees shall be allowed for services rendered by any attorney who is a salaried employee of a public agency or a private agency which receives public funds.

630.340. SHELTERED WORKSHOPS AND ACTIVITY CENTERS AUTHORIZED — OPERATION. — 1. With the approval of the director, the head of any mental health or [retardation] **intellectual disability** facility or regional center operated by the department may establish a vocational activity center for its patients or residents.

2. Each facility or regional center shall keep revenues received from the activity center in a separate account. The acquisition costs to obtain materials to produce any goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be maintained in this account. The remaining funds from sales of the activity center shall be deposited monthly in the state treasury to the credit of the general revenue fund.

3. This section shall not be construed to authorize any facility or regional center to establish an activity center on the grounds for patients or residents who could participate in a sheltered workshop, as defined and authorized in sections 178.900 to 178.960, off the grounds of the facility or regional center.

630.705. RULES FOR STANDARDS FOR FACILITIES AND PROGRAMS FOR PERSONS AFFECTED BY MENTAL DISORDER, MENTAL ILLNESS, OR DEVELOPMENTAL DISABILITY — CLASSIFICATION OF FACILITIES AND PROGRAMS — CERTAIN FACILITIES AND PROGRAMS NOT TO BE LICENSED. — 1. The department shall promulgate rules setting forth reasonable standards for residential facilities and day programs for persons who are affected by a mental disorder, mental illness, intellectual disability, or developmental disability.

2. The rules shall provide for the facilities and programs to be reasonably classified as to resident or client population, size, type of services or other reasonable classification. The department shall design the rules to promote and regulate safe, humane and adequate facilities and programs for the care, treatment, habilitation and rehabilitation of persons described in subsection 1 of this section.

3. The following residential facilities and day programs shall not be licensed by the department:

(1) Any facility or program which relies solely upon the use of prayer or spiritual healing;

(2) Any educational, special educational or vocational program operated, certified or approved by the state board of education pursuant to chapters 161, 162 and 178, and regulations promulgated by the board;

(3) Any hospital, facility, program or entity operated by this state or the United States; except that facilities operated by the department shall meet these standards;

(4) Any hospital, facility or other entity, excluding those with persons who are [mentally retarded] **intellectually disabled** and developmentally disabled as defined in section 630.005 otherwise licensed by the state and operating under such license and within the limits of such

license, unless the majority of the persons served receive activities and services normally provided by a licensed facility pursuant to this chapter;

(5) Any hospital licensed by the department of social services as a psychiatric hospital pursuant to chapter 197;

(6) Any facility or program accredited by the Joint Commission on Accreditation of Hospitals, the American Osteopathic Association, [Accreditation Council for Services for Mentally Retarded or other Developmentally Disabled Persons] **the Council on Quality and Leadership**, Council on Accreditation of Services for Children and Families, Inc., or the Commission on Accreditation of Rehabilitation Facilities;

(7) Any facility or program caring for less than four persons whose care is not funded by the department.

633.020. ADVISORY COUNCIL ON DEVELOPMENTAL DISABILITIES — MEMBERS, NUMBER, TERMS, QUALIFICATIONS, APPOINTMENT — ORGANIZATION, MEETINGS — DUTIES. — 1. The "Missouri Developmental Disabilities Council", consisting of up to twenty-five members, the number to be determined under the council bylaws, is hereby created to advise the division and the division director.

2. The members of the Missouri planning council for developmental disabilities, created by executive order of the governor on October 26, 1979, for the remainder of their appointed terms, and up to five persons to be appointed by the director, for staggered terms of three years each, shall act as such advisory body. At the expiration of the term of each member, the director shall appoint an individual who shall hold office for a term of three years. At least one-half of the members shall be consumers. Other members shall have professional, research or personal interest in intellectual disabilities and developmental disabilities. At least one member shall be a manager of or a member of the board of directors of a sheltered workshop as defined in section 178.900. No more than one-fourth of the members shall be vendors or members of boards of directors, employees or officers of vendors, or any of their spouses, if such vendors receive more than fifteen hundred dollars under contract with the department; except that members of boards of directors of not-for-profit corporations shall not be considered members of board of directors of vendors under this subsection.

3. Meetings shall be held at least every ninety days or at the call of the division director or the council chairman, who shall be elected by the council.

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

5. The council may be divided into subcouncils in accordance with its bylaws.

6. The council shall collaborate with the department in developing and administering a state plan for intellectual disabilities and developmental disabilities services.

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

8. The council shall be advisory and shall:

(1) Promote meetings and programs for the discussion of reducing the debilitating effects of intellectual disabilities and developmental disabilities and disseminate information in cooperation with any other department, agency or entity on the prevention, evaluation, care, treatment and habilitation for persons affected by intellectual disabilities and developmental disabilities;

(2) Study and review current prevention, evaluation, care, treatment and rehabilitation technologies and recommend appropriate preparation, training, retraining and distribution of manpower and resources in the provision of services to persons with an intellectual disability or

a developmental disability through private and public residential facilities, day programs and other specialized services;

(3) Recommend what specific methods, means and procedures should be adopted to improve and upgrade the department's intellectual disabilities and developmental disabilities service delivery system for citizens of this state;

(4) Participate in developing and disseminating criteria and standards to qualify [mental retardation] **intellectual disability** or developmental disability residential facilities, day programs and other specialized services in this state for funding or licensing, or both, by the department.

633.105. REGIONAL CENTERS TO SECURE SERVICES. — The regional centers shall be the entry and exit points in each region responsible for securing comprehensive [mental retardation] **intellectual disability** and developmental disability services for clients of the department. The center shall carry out this responsibility either through contracts purchasing the required services or through the direct provision of the services if community-based services are not available, economical or as effective for the provision of the services.

633.170. DEFINITIONS. — As used in sections 633.170 to 633.195 and section 208.500, the following terms mean:

- (1) "Adult", a person eighteen years of age or older;
- (2) "Child", a person under the age of eighteen;
- (3) "Developmental disability", a disability which:
 - (a) Is attributable to:
 - a. [Mental retardation] **Intellectual disability**, cerebral palsy, epilepsy, head injury or autism, or a learning disability related to a brain dysfunction; or
 - b. Any other mental or physical impairment or a combination of mental and physical impairments;
 - (b) Is manifested before the person attains age twenty-two;
 - (c) Is likely to continue indefinitely; and
 - (d) Results in substantial functional limitations in two or more of the following areas of major life activities:
 - a. Self-care;
 - b. Receptive and expressive language development and use;
 - c. Learning;
 - d. Self-direction;
 - e. Capacity for independent living or economic self-sufficiency; and
 - f. Mobility;
 - (e) Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, or other services;
 - (f) Reflects the person's need for services and supports which may be of lifelong or extended duration and are individually planned and coordinated;
- (4) "Family or private caregiver", the person or persons with whom the individual who has a developmental disability resides or who is primarily responsible for the physical care, education, health, and nurturing of the person with a disability. The term does not apply to persons providing care through hospitals, habilitation centers, nursing homes, group homes, or any other such institution;
- (5) "Family support", services and helping relationships whose purpose is to maintain and enhance family caregiving. Family support may be one or many services that enable individuals with disabilities to reside within the family home and remain integrated within their community and are:
 - (a) Based on individual and family needs;
 - (b) Identified by the family;
 - (c) Easily accessible for the family;

- (d) Flexible and varied to meet the ever changing needs of family members;
- (e) Provided in a timely manner; and
- (f) Family centered and culturally sensitive;
- (6) "Family support program", a coordinated system of family support services which enhance family caregiving, strengthen family functioning, reduce family stress, foster community integration, promote individual and family independence and encourage economic self-sufficiency for the purpose of helping children with developmental disabilities remain with their families.

633.401. DEFINITIONS — ASSESSMENT IMPOSED, FORMULA — RATES OF PAYMENT — FUND CREATED, USE OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT — APPEAL PROCESS — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the [mentally retarded] **intellectually disabled**", a private or department of mental health facility which admits persons who are [mentally retarded] **intellectually disabled** or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the [mentally retarded] **intellectually disabled** that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart 1;

(3) "Net operating revenues from providing services of intermediate care facilities for the [mentally retarded] **intellectually disabled**" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the [mentally retarded] **intellectually disabled**" has the same meaning as the term "**services of intermediate care facilities for the mentally retarded**", as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendment of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the [mentally retarded] **intellectually disabled** shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the [mentally retarded] **intellectually disabled** or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the [mentally retarded] **intellectually disabled**, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the [mentally retarded] **intellectually disabled** on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility [Mentally Retarded] **Intellectually Disabled** Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility [mentally retarded] **intellectually disabled** reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the [mentally retarded] **intellectually disabled** shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the [mentally retarded] **intellectually disabled** shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the [mentally retarded] **intellectually disabled** shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the [mentally retarded] **intellectually disabled**. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the [mentally retarded] **intellectually disabled** upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the [mentally retarded] **intellectually disabled** provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the [mentally retarded] **intellectually disabled** granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section

536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, 2015.

660.075. INTERMEDIATE CARE FACILITY FOR INTELLECTUALLY DISABLED — CERTIFICATE OF AUTHORIZATION NEEDED FOR PROVIDER AGREEMENT — EXCEPTION — CERTIFICATES NOT TO BE ISSUED, WHEN — NOTICE TO DEPARTMENT, WHEN. — 1. The division of medical services shall not issue a provider agreement to an intermediate care facility for the [mentally retarded] **intellectually disabled** provider after May 29, 1991, unless and until the department of mental health transmits a certification of authorization to provide services, provided, however, a profit or not-for-profit provider may operate a single home of six beds or less without issuance of a certificate to the division of medical services. Such certification shall be provider specific and shall contain the number of beds authorized.

2. Notwithstanding any other provision of law to the contrary, any provider intending to operate an intermediate care facility for the [mentally retarded] **intellectually disabled** in excess of those beds in existence on May 29, 1991, shall give notice to the department of mental health of any intent to do so between July first and October first of the fiscal year preceding the fiscal year in which they intend to operate such facility.

3. In addition to other good cause as established by administrative rules promulgated by the director of the department of mental health, such intermediate care facility for the [mentally retarded] **intellectually disabled** operations as may be accommodated within the home and community-based waiver for the developmentally disabled shall be refused certificates of authorization by the department of mental health. The division of medical services shall refuse intermediate care facility for the [mentally retarded] **intellectually disabled** provider agreements to providers to whom the department of mental health has refused certificates of authorization.

660.405. EXCEPTIONS TO LICENSURE REQUIREMENTS FOR ADULT DAY CARE CENTERS. — 1. The provisions of sections 199.025 and 660.403 to 660.420 shall not apply to the following:

(1) Any adult day care program operated by a person in which care is offered for no more than two hours per day;

(2) Any adult day care program maintained or operated by the federal government except where care is provided through a management contract;

(3) Any person who cares solely for persons related to the provider or who has been designated as guardian of that person;

(4) Any adult day care program which cares for no more than four persons unrelated to the provider;

(5) Any adult day care program licensed by the department of mental health under chapter 630 which provides care, treatment and habilitation exclusively to adults who have a primary diagnosis of mental disorder, mental illness, [mental retardation] **intellectual disability** or developmental disability as defined;

(6) Any adult day care program administered or maintained by a religious not-for-profit organization serving a social or religious function if the adult day care program does not hold itself out as providing the prescription or usage of physical or medical therapeutic activities or as providing or administering medicines or drugs.

2. Nothing in this section shall prohibit any person listed in subsection 1 of this section from applying for a license or receiving a license if the adult day care program owned or operated by

such person conforms to the provisions of sections 199.025 and 660.403 to 660.420 and all applicable rules promulgated pursuant thereto.

SECTION 1. INTELLECTUALLY DISABLED AND INTELLECTUAL DISABILITY, USE OF TERMS — REVISOR TO CHANGE STATUTORY REFERENCES. — The phrases "mentally retarded" and "mental retardation" shall be referred to as "intellectually disabled" and "intellectual disability", respectively. The revisor of statutes shall make the appropriate changes to all such references in the revised statutes.

[208.275. COORDINATING COUNCIL ON SPECIAL TRANSPORTATION, CREATION — MEMBERS, QUALIFICATIONS, APPOINTMENT, TERMS, EXPENSES — STAFF — POWERS — DUTIES. — 1. As used in this section, unless the context otherwise indicates, the following terms mean:

- (1) "Elderly", any person who is sixty years of age or older;
- (2) "Handicapped", any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation.

2. There is hereby created the "Coordinating Council on Special Transportation" within the Missouri department of transportation. The members of the council shall be: the assistant for transportation of the Missouri department of transportation, or his designee; the assistant commissioner of the department of elementary and secondary education, responsible for special transportation, or his designee; the director of the division of aging of the department of social services, or his designee; the deputy director for mental retardation/developmental disabilities and the deputy director for administration of the department of mental health, or their designees; the executive secretary of the governor's committee on the employment of the handicapped; and seven consumer representatives appointed by the governor by and with the advice and consent of the senate, four of the consumer representatives shall represent the elderly and three shall represent the handicapped. Two of such three members representing handicapped persons shall represent those with physical handicaps. Consumer representatives appointed by the governor shall serve for terms of three years or until a successor is appointed and qualified. Of the members first selected, two shall be selected for a term of three years, two shall be selected for a term of two years, and three shall be selected for a term of one year. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

3. State agency personnel shall serve on the council without additional appropriations or compensation. The consumer representatives shall serve without compensation except for receiving reimbursement for the reasonable and necessary expenses incurred in the performance of their duties on the council from funds appropriated to the department of transportation.

4. Staff for the council shall be provided by the Missouri department of transportation. The department shall designate a special transportation coordinator who shall have had experience in the area of special transportation, as well as such other staff as needed to enable the council to perform its duties.

5. The council shall meet at least quarterly each year and shall elect from its members a chairman and a vice chairman.

6. The coordinating council on special transportation shall:

- (1) Recommend and periodically review policies for the coordinated planning and delivery of special transportation when appropriate;
- (2) Identify special transportation needs and recommend agency funding allocations and resources to meet these needs when appropriate;

- (3) Identify legal and administrative barriers to effective service delivery;
 - (4) Review agency methods for distributing funds within the state and make recommendations when appropriate;
 - (5) Review agency funding criteria and make recommendations when appropriate;
 - (6) Review area transportation plans and make recommendations for plan format and content;
 - (7) Establish measurable objectives for the delivery of transportation services;
 - (8) Review annual performance data and make recommendations for improved service delivery, operating procedures or funding when appropriate;
 - (9) Review local disputes and conflicts on special transportation and recommend solutions.
7. The provisions of this section shall expire on December 31, 2014.]

Approved June 4, 2014

HB 1075 [SS HCS HB 1075]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding unclaimed property

AN ACT to repeal sections 447.503, 447.535, 447.536, 447.547, 447.560, 447.569, and 447.584, RSMo, and to enact in lieu thereof nine new sections relating to unclaimed property, with penalty provisions and an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 447.503. Definitions.
- 447.534. United States savings bonds deemed abandoned, when — proceeds to escheat to the state, when — filing of a claim, procedure.
- 447.535. All other intangible property presumed abandoned, when — ongoing business relationships, certain items not presumed abandoned, when.
- 447.536. Abandonment period, effective when — exception for payroll checks.
- 447.547. Law of abandoned property not applicable, when.
- 447.548. Reportable periods, no enforcement after three years, when — fraudulent report, enforcement for six years.
- 447.560. Record of property, content — retained for public inspection — information not public record, when — public record, when — penalty for disclosure — military medals, procedure — United States savings bonds, procedure.
- 447.569. Appeal of treasurer's decision or failure to act, when — report filed, deemed contested case.
- 447.584. Agreements — property held by business entities in other states or governmental entities — treasurer, duties — fees.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 447.503, 447.535, 447.536, 447.547, 447.560, 447.569, and 447.584, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 447.503, 447.534, 447.535, 447.536, 447.547, 447.548, 447.560, 447.569, and 447.584, to read as follows:

447.503. DEFINITIONS. — As used in sections 447.500 to 447.595, unless the context otherwise requires, the following terms mean:

(1) "Banking organization", any bank, trust company, or safe deposit company, engaged in business in this state;

(2) "Business association", any corporation, joint stock company, business trust, partnership, limited partnership, or any association for business purposes, or any mutual fund or other similar entity, whether operating in the form of a corporation or a trust, including but not limited to any investment companies registered under the federal Investment Company Act of 1940;

(3) **"Business credit", any credit offered by one business entity to another business entity to be applied in exchange for goods or services but does not have a redeemable cash value;**

(4) "Engaged in business in this state", any transaction of business within this state sufficient to support personal jurisdiction in the courts of this state;

[(4)] (5) "Financial organization", any savings and loan association, credit union, or loan and investment company engaged in business in this state;

[(5)] (6) "Holder", any person in possession of property subject to sections 447.500 to 447.595 belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to sections 447.500 to 447.595;

[(6)] (7) "Insurance corporation", any association or corporation transacting within this state the business of property insurance or casualty insurance or life insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities;

[(7)] (8) "Military medals", any decoration or award that may be presented or awarded to a member of a unit of the armed forces or national guard;

[(8)] (9) "Owner", a depositor in case of a deposit, a beneficiary in case of a trust except a trust defined in section 456.500, the unclaimed property of which has not escheated pursuant to the provisions of section 456.650, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to sections 447.500 to 447.595, or such person's legal representative;

[(9)] (10) "Person", any individual, business association, government or political subdivision, public corporation, public authority, estate, trust except a trust defined in section 456.500, two or more persons having a joint or common interest, or any other legal or commercial entity;

[(10)] (11) "Reasonable and necessary diligence as is consistent with good business practice", efforts appropriate to and commensurate with the nature and value of the property at issue; however, the holder shall send a notice regarding the unclaimed property via first class mail postage prepaid, marked "Address Correction Requested". Such letter shall be sent by the holder within twelve months prior to turning the property over to the treasurer. Notwithstanding the provisions of this section, the holder may treat letters sent in the ordinary course of business, first class and "Address Correction Requested" as satisfying the definition of "reasonable and necessary diligence as is consistent with good business practice". The holder may treat notices regarding the unclaimed property as satisfying the "reasonable and necessary standard" for contacting owners. If the postal service provides the holder with additional information as part of the address correction process, the holder shall send second and subsequent notices in the same format as the first notice to any new address provided to the holder;

[(11)] (12) "Treasurer", the Missouri state treasurer;

[(12)] (13) "Utility", any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas or who engages in such business in this state.

447.534. UNITED STATES SAVINGS BONDS DEEMED ABANDONED, WHEN — PROCEEDS TO ESCHAT TO THE STATE, WHEN — FILING OF A CLAIM, PROCEDURE. — 1. Notwithstanding the provisions of subsection 2 of section 447.532, section 447.533, and

subsection 1 of section 447.545, United States savings bonds, which are unclaimed property and subject to the provisions of sections 447.500 to 447.595 shall be deemed abandoned when they have remained unclaimed for more than three years after their date of maturity and such bonds and the proceeds from such bonds, including all principal and interest due, in the possession of the treasurer or with an owner whose last known address is located in Missouri shall escheat to the state of Missouri three years after becoming unclaimed property by virtue of the provisions of sections 447.500 to 447.595 and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri according to the procedure set forth in subdivisions (1) to (3) of this subsection.

(1) After one hundred eighty days following the second three-year period referenced in subsection 1 of this section, if no claim has been approved in accordance with the provisions of section 447.562 for such United States savings bonds or proceeds from such bonds, the treasurer shall commence a civil action in the circuit court of Cole county for a determination that such United States savings bonds and the proceeds from such bonds shall escheat to the state of Missouri. The treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the treasurer's custody to justify the expense of such proceedings.

(2) If no person shall file a claim or appear at the hearing to substantiate a claim or where the court determines that a claimant is not entitled to the United States savings bonds or proceeds from such bonds claimed by such claimant, then the court, if satisfied by evidence that the treasurer has substantially complied with the laws of the state of Missouri, shall enter a judgment that the subject United States savings bonds and the proceeds from such bonds have escheated to the state of Missouri, and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri.

(3) The treasurer shall redeem such United States savings bonds escheated to the state of Missouri and the proceeds from such redemption of United States savings bonds shall be deposited in the abandoned fund account created by section 447.543.

2. Any person making a claim for the United States savings bonds escheated to the state of Missouri, or for the proceeds from such bonds, may file a claim in accordance with the provisions of section 447.562. Upon providing sufficient proof of the validity of such person's claim, the treasurer may pay such claim in accordance with the provisions of section 447.565.

447.535. ALL OTHER INTANGIBLE PROPERTY PRESUMED ABANDONED, WHEN — ONGOING BUSINESS RELATIONSHIPS, CERTAIN ITEMS NOT PRESUMED ABANDONED, WHEN.

— 1. All intangible personal property, not otherwise covered by sections 447.500 to 447.595, including any income or increment thereon, and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years or five years as provided in section 447.536 after it became payable or distributable is presumed abandoned. Intangible personal property where the property is held in a jurisdiction in which the abandonment presumption is less than seven years or five years as provided in section 447.536 shall be accepted by the state of Missouri.

2. Notwithstanding any provision to the contrary, any outstanding check, draft, credit balance, customer's overpayment, or unidentified remittance issued to a business entity or association as part of a commercial transaction in the ordinary course of a holder's business shall not be presumed abandoned if the holder and such business entity or association have an ongoing business relationship. An ongoing business relationship shall be deemed to exist if the holder has engaged in a commercial, business, or professional transaction involving the sale, lease, license, or purchase of goods or services with the

business entity or association or a predecessor-in-interest of the business entity or association within the dormancy period immediately following the date of the check, draft, credit balance, customer's overpayment, or unidentified remittance giving rise to the unclaimed property interest. As used in this subsection, "dormancy period" means the period during which the holder may hold the property interest before it is presumed to be abandoned. A "predecessor-in-interest" is a person or entity whose interest in a business entity or association was acquired by its successor-in-interest, whether by purchase of the business ownership interest, purchase of business assets, statutory merger or consolidation, and includes successive acquisitions by whatever means accomplished.

447.536. ABANDONMENT PERIOD, EFFECTIVE WHEN — EXCEPTION FOR PAYROLL CHECKS. — Except for the abandonment period for travelers checks and money orders provided for in subdivision (3) of section 447.505; the abandonment period for dissolution of business associations, banking organizations and financial organizations as provided for in section 447.527; and the abandonment period for court-related bond proceeds as provided for in section 447.595; all other abandonment periods referenced in sections 447.505 to 447.595, shall change from seven to five years beginning January 1, 2000, **with the exception of payroll checks which shall have the abandonment period reduced from five years to three years beginning January 1, 2015.** The abandonment periods provision of this section shall not apply to property which is held pursuant to any resolution, order or trust indenture entered into prior to August 28, 1998, by a city, county, school district, authority, agency or other political subdivision where the abandonment period or other abandonment provision specified in the resolution, order or trust indenture is different than the abandonment period specified in this section.

447.547. LAW OF ABANDONED PROPERTY NOT APPLICABLE, WHEN. — 1. Sections 447.500 to 447.595 shall not affect property the title to which is vested in a holder by the operation of a statute of limitations prior to August 13, 1984, nor to any property held in a fiduciary capacity that was unclaimed property prior to August 13, 1974. This subsection shall not apply to property the title to which is vested in the holder when the holder is a federal, state, or local government or governmental subdivision, agency, entity, officer, or appointee thereof.

2. Payment and delivery of unclaimed property to the treasurer is not barred by statutes of limitations when title to the property has not vested in the holder prior to August 13, 1984.

3. Sections 447.500 to 447.595 shall not apply to final orders, judgments or decrees of distribution or to abandoned property entered by the probate division of the circuit court after August 13, 1984.

4. Sections 447.500 to 447.595 shall not apply to institutions chartered pursuant to the provisions of an act of the Congress of the United States known as the Farm Credit Act of 1971 and acts amendatory thereto.

5. In addition to other exclusions, sections 447.500 to 447.595 shall not apply to any property that had been unclaimed prior to January 1, 1965, where the holder is a financial organization or banking organization which has a principal place of business in this state.

6. Business credits between two business entities or two business associations are not subject to sections 447.500 to 447.595.

447.548. REPORTABLE PERIODS, NO ENFORCEMENT AFTER THREE YEARS, WHEN — FRAUDULENT REPORT, ENFORCEMENT FOR SIX YEARS. — **1. The state treasurer shall not enforce this chapter for a reportable period more than three years after the holder:**

(1) Filed a report with the state treasurer; or

(2) Gave express notice to the state treasurer of a dispute under this chapter.

2. If a fraudulent report is filed with the intent to evade escheatment of property, the state treasurer may enforce this chapter within six years after the report was filed.

3. If no report is filed, the state treasurer may enforce this chapter at any time.

447.560. RECORD OF PROPERTY, CONTENT — RETAINED FOR PUBLIC INSPECTION — INFORMATION NOT PUBLIC RECORD, WHEN — PUBLIC RECORD, WHEN — PENALTY FOR DISCLOSURE — MILITARY MEDALS, PROCEDURE — UNITED STATES SAVINGS BONDS, PROCEDURE. — 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

5. The treasurer shall retain a record of the name and, if known, the last known address of each person named on the United States savings bonds which have escheated to the state of Missouri and which have been redeemed by the treasurer under section 447.534. The record shall be made public and available for public inspection at all reasonable business hours. In addition, if a United States savings bond is redeemed in an amount that is less than fifty dollars, the amount redeemed may be made available as public information. No other information furnished to the treasurer in regard to such United States savings bonds, including Social Security numbers or other identifying information shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses, or permits the inspection of such information shall be guilty of a misdemeanor.

447.569. APPEAL OF TREASURER'S DECISION OR FAILURE TO ACT, WHEN — REPORT FILED, DEEMED CONTESTED CASE. — 1. Any [person] **claimant** aggrieved by a decision of the treasurer or as to whose claim the treasurer has failed to act within ninety days after the filing of a claim shall be entitled to a hearing under the provisions of chapter 536, and the proceedings instituted by him shall be deemed a contested case under chapter 536.

2. Any holder who has filed a report under section 447.539 aggrieved by a decision of the treasurer shall be entitled to a hearing under the provisions of chapter 536, and the proceedings instituted by such holder shall be deemed a contested case under chapter 536.

447.584. AGREEMENTS — PROPERTY HELD BY BUSINESS ENTITIES IN OTHER STATES OR GOVERNMENTAL ENTITIES — TREASURER, DUTIES — FEES. — The treasurer, with the approval of the governor, may enter into agreements with any person, firm or corporation to

assist in the identification, collection, and processing of abandoned or escheated property held by any business entity domiciled and located in another state or any governmental entity. The treasurer may agree to pay a fee for such services based in whole or in part on a percentage of the value of any property received pursuant to such agreements. Any expenses paid pursuant to this section may not be deducted from the amount subject to claim [by the owner] under sections 447.500 to 447.595.

SECTION B. EMERGENCY CLAUSE. — Because of the need to protect the interests of the state, the repeal and reenactment of sections 447.560 and 447.584, and the enactment of section 447.534 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 447.560 and 447.584, and the enactment of section 447.534 of this act shall be in full force and effect upon its passage and approval.

Approved July 8, 2014

HB 1079 [HCS HB 1079]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding insurance documents

AN ACT to repeal sections 379.011 and 379.012, RSMo, and to enact in lieu thereof two new sections relating to insurance documents.

SECTION

- A. Enacting clause.
- 379.011. Documents required for insurance transactions or proof of coverage by electronic means permitted, when, requirements — inapplicability.
- 379.012. Insurance forms and endorsements may be available on insurer's website, when, requirements — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 379.011 and 379.012, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 379.011 and 379.012, to read as follows:

379.011. DOCUMENTS REQUIRED FOR INSURANCE TRANSACTIONS OR PROOF OF COVERAGE BY ELECTRONIC MEANS PERMITTED, WHEN, REQUIREMENTS — INAPPLICABILITY. — 1. As used in this section, the following terms mean:

(1) "Delivered by electronic means", includes delivery to an electronic mail address at which a party has consented to receive notices or documents, or posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with a separate notice to a party directed to the electronic mail address at which the party has consented to receive notice of the posting;

(2) "Party", any recipient of any notice or document required as part of an insurance transaction, including but not limited to an applicant, an insured or a policyholder.

2. Subject to subsection 3 of this section, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of

insurance coverage may be delivered, stored, and presented by electronic means so long as it meets the requirements of sections 432.200 to 432.295. Delivery of a notice or document in accordance with this subsection shall be considered equivalent to any delivery method required under applicable law, including delivery by first class mail, first class mail postage prepaid, certified mail, or certificate of mailing.

3. A notice or document may be delivered by electronic means by an insurer to a party under this subsection if:

(1) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(a) Any right or option to have the notice or document provided in paper or another nonelectronic form at no additional cost;

(b) The right of party to withdraw consent to have a notice or document delivered by electronic means;

(c) Whether the party's consent applies only to the particular transaction as to which the notice or document must be given or to identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship;

(d) The means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means at no additional cost; and

(e) The procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically;

(3) The party, before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means and consents electronically, and confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(4) After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered in electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies:

(a) Provides the party with a statement of the revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means and of the right of the party to withdraw consent pursuant to paragraph (b) of subdivision (2) of this subsection; and

(b) Complies with subdivision (2) of this subsection.

4. This section does not affect requirements relating to content or timing of any notice or document required under applicable law. If any provision of applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt. Absent verification or acknowledgment of receipt of the initial notice or document on the part of the party, the insurer shall send two subsequent notices or documents at intervals of five business days. The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be made contingent upon obtaining electronic consent or confirmation of consent of the party in accordance with subdivision (3) of subsection 3 of this section.

5. A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective. A withdrawal of consent by a party is effective within thirty

days after receipt of the withdrawal by the insurer. Failure by an insurer to comply with subdivision (4) of subsection 3 of this section may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

6. This section does not apply to a notice or document delivered by an insurer in an electronic form before August 28, 2013, to a party who, before that date, has consented to receive notices or documents in an electronic form otherwise allowed by law. If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before August 28, 2013, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall notify the party of:

(1) The notices or documents that may be delivered by electronic means under this section that were not previously delivered electronically; and

(2) The party's right to withdraw consent to have notices or documents delivered by electronic means.

7. A party who does not consent to delivery of notices or documents under subsection 3 of this section, or who withdraws their consent, shall not be subject to any additional fees or costs for having notices or documents provided or made available to them in paper or another nonelectronic form.

8. If any provision of applicable law requires a signature or notice or document to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by the provision, is attached to or logically associated with the signature, notice, or document.

9. This section may not be construed to modify, limit, or supercede the provisions of sections **354.442, 376.1450, or 432.200 to 432.295, RSMo. The provisions of this section shall apply to notices and documents issued by insurers organized under chapter 379 or 380, RSMo, and to notices and documents relating to life insurance products issued by insurers organized under chapter 376, RSMo.**

10. Nothing in this section shall prevent an insurer from offering a discount to an insured who elects to receive notices and documents electronically in accordance with this section.

379.012. INSURANCE FORMS AND ENDORSEMENTS MAY BE AVAILABLE ON INSURER'S WEBSITE, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In addition to and notwithstanding any other provisions or requirements of section 379.011 to the contrary, insurance policy forms and endorsements for [property] insurance as described in subdivisions (1), (2), (3), and (5) of subsection 1 of section 379.010 issued or renewed in this state, or covering risks in this state, which do not contain personally identifiable information, may be made available electronically on the insurer's website in lieu of mailing or delivering a paper copy of policy forms and endorsements to an insured. **Any insurer, including an insurer organized under chapter 380, RSMo, issuing any insurance of the types described in this section may make policy forms and endorsements available electronically on the insurer's website in the manner prescribed herein.**

2. If the insurer elects to make such insurance policy forms and endorsements available electronically on the insurer's website in lieu of mailing or delivering a paper copy to the insured, it shall comply with all the following conditions with respect to such policy forms and endorsements:

(1) The policy forms and endorsements issued or sold in this state shall be easily and publicly accessible on the insurer's website and remain that way for as long as the policy form or endorsement is in force or actively sold in this state;

(2) The insurer shall retain and store the policy forms and endorsements after they are withdrawn from use or replaced with other policy forms and endorsements for a period of five years and make them available to insureds and former insureds upon request and at no cost;

(3) The policy forms and endorsements shall be available on the insurer's website in an electronic format that enables the insured to print and save the policy forms and endorsements using programs or applications that are widely available on the internet and free to use;

(4) At policy issuance and renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, that it does not intend to mail or deliver a paper copy of the policy forms or documents. The notice shall provide instructions on how the insured may access the policy forms and endorsements on the insurer's website. The insurer shall also notify the insured of their right to obtain a paper copy of the policy forms and endorsements at no cost and provide either a toll-free telephone number or the telephone number of the insured's producer by which the insured can make this request;

(5) At policy renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, of any changes which have been made to the policy forms or endorsements since the prior coverage period. Such notice shall be made in accordance with the requirements of subdivision (4) of this subsection; and

(6) On each declarations page, or similar coverage summary document, issued to an insured, the insurer shall clearly identify the exact policy forms and endorsements purchased by the insured, so that the insured may easily access those forms on the insurer's website.

3. The director may promulgate any rules necessary to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved June 5, 2014

HB 1081 [HB 1081]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Creates the Paperless Documents and Forms Act

AN ACT to amend chapter 32, RSMo, by adding thereto two new sections relating to paperless communications.

SECTION

- A. Enacting clause.
- 32.029. Paperless documents and forms act — department to make documents and forms available electronically — limitations.
- 32.400. Department may use electronic means to notify persons regarding licensing and tax collection, requirements.

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

SECTION A. ENACTING CLAUSE. — Chapter 32, RSMo, is amended by adding thereto two new sections, to be known as sections 32.029 and 32.400, to read as follows:

32.029. PAPERLESS DOCUMENTS AND FORMS ACT — DEPARTMENT TO MAKE DOCUMENTS AND FORMS AVAILABLE ELECTRONICALLY — LIMITATIONS — 1. This act shall be known and may be cited as the "Paperless Documents and Forms Act".

2. Beginning no later than January 1, 2015, the department of revenue shall, by January 1, 2021, develop and implement a method by which all documents and forms provided to the public by the department, as well as any records, reports, returns, or other documents required by the department relating to taxes imposed under chapters 142, 143, 144, and 149, and fees imposed under sections 260.262 and 260.273, are available in an electronic format online and are capable of electronic submission to the department. This section shall not be construed to prohibit the submission of paper forms to the department or to require the department to allow electronic filing of a form that requires a notary or authorization by a third party in order to be effective, or when any other document associated with the form, either expressly or by implication, requires a third party to notarize, authorize, or issue the document. Notwithstanding any other provision of law to the contrary, no electronic form shall be invalid solely because a paper version of the form has been incorporated or otherwise referenced in a rule.

3. This section shall not authorize the creation of state-run electronic tax filing of individual income tax returns.

32.400. PAPERLESS DOCUMENTS AND FORMS ACT — DEPARTMENT TO MAKE DOCUMENTS AND FORMS AVAILABLE ELECTRONICALLY — LIMITATIONS — 1. For the purposes of this section, "electronic means" shall mean, but is not limited to, electronic mail or a secure site maintained by the state of Missouri for such purpose.

2. Notwithstanding any other provision of law, the director of the department of revenue may notify persons and their authorized representative using electronic means to fulfill the duties and functions of the department of revenue relating to the administration of motor vehicle licensing, driver licensing, and collection of all taxes and fees payable to the state as provided by law. Any statutory requirements for the department of revenue to provide notification to any person are satisfied by electronic means when the person has agreed to such notification and the electronic notification is sent by the electronic means specified by the person.

3. The requirement of certified mailing as used in those sections relating to the administration of motor vehicle licensing, driver licensing, and collection of all taxes and fees payable to the state as provided by law is satisfied by use of electronic means if the taxpayer or license holder has agreed to such notification and the electronic notification is sent by the electronic means specified by the person.

4. The director of the department of revenue may promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

Approved June 10, 2014

HB 1085 [HCS HB 1085]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Expands library record privacy to include digital resources and materials, adds a third party contracted by a library to list of those who cannot release a library record

AN ACT to repeal sections 182.815 and 182.817, RSMo, and to enact in lieu thereof two new sections relating to the disclosure of library records.

SECTION

- A. Enacting clause.
 182.815. Disclosure of library records, definitions.
 182.817. Disclosure of library records not required — exceptions — complaint may be filed for compromised privacy, procedure.

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

SECTION A. ENACTING CLAUSE. — Sections 182.815 and 182.817, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 182.815 and 182.817, to read as follows:

182.815. DISCLOSURE OF LIBRARY RECORDS, DEFINITIONS. — As used in this section and section 182.817, the following terms shall mean:

(1) **"Digital resource or material"**, any E-book, digital periodical, digital thesis, digital dissertation, digital report, application, website, database, or other data available in digital format from a library for display on a computer screen or handheld device;

(2) **"E-book"**, any book composed or converted to digital format for display on a computer screen or handheld device;

(3) **"Library"**, any library established by the state or any political subdivision of the state, or combination thereof, by any community college district, or by any college or university, and any private library open to the public;

(4) **"Library material"**, any book, E-book, digital resource or material, document, film, record, art work, or other library property which a patron may use, borrow or request;

(5) **"Library record"**, any document, record, or other method of storing information retained, received or generated by a library that identifies a person or persons as having requested, used, or borrowed library material, and all other records identifying the names of library users. The term "library record" does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library material in general.

182.817. DISCLOSURE OF LIBRARY RECORDS NOT REQUIRED — EXCEPTIONS — COMPLAINT MAY BE FILED FOR COMPROMISED PRIVACY, PROCEDURE. — **1.** Notwithstanding the provisions of any other law to the contrary, no library [or] , employee or agent of a library, or third party contracted by a library that receives, transmits, maintains, or stores library records shall [be required to] release or disclose a library record or portion of a library record to any person or persons except:

(1) In response to a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library; or

(2) In response to an order issued by a court of competent jurisdiction upon a finding that the disclosure of such record is necessary to protect the public safety or to prosecute a crime.

2. Any person whose privacy is compromised as a result of an alleged violation of this section may file a written complaint within one hundred eighty days of the alleged violation with the office of the attorney general describing the facts surrounding the alleged violation. Such person may additionally bring a private civil action in the circuit court of the county in which the library is located to recover damages. The court may, in its discretion, award punitive damages and may award to the prevailing party attorney's fees, based on the amount of time reasonably expended, and may provide such equitable relief as it deems necessary or proper. A prevailing respondent may be awarded attorney fees under this subsection only upon a showing that the case is without foundation.

3. Upon receipt of a complaint filed in accordance with subsection 2 of this section, the attorney general shall review each complaint and may initiate legal action if deemed appropriate.

Approved July 2, 2014

HB 1090 [HCS HB 1090]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows any Department of Corrections employee who has accrued overtime hours to use those hours as compensatory leave time

AN ACT to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to state employees.

SECTION

A. Enacting clause.

105.935. Overtime hours, state employee may choose compensatory leave time, when — payment for overtime, when — corrections employees, options — reports on overtime paid — overtime earned under Fair Labor Standards Act, applicability.

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

SECTION A. ENACTING CLAUSE. — Section 105.935, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.935, to read as follows:

105.935. OVERTIME HOURS, STATE EMPLOYEE MAY CHOOSE COMPENSATORY LEAVE TIME, WHEN — PAYMENT FOR OVERTIME, WHEN — CORRECTIONS EMPLOYEES, OPTIONS — REPORTS ON OVERTIME PAID — OVERTIME EARNED UNDER FAIR LABOR STANDARDS ACT, APPLICABILITY. — 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair Labor Standards Act shall be eligible for payment of overtime in accordance with subsection [4] 5 of this section. A nonexempt state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee's straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term "state employee" means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state, but shall not include any employee who is exempt under the provisions of the Fair Labor Standards Act or any employee of the general assembly.

3. Beginning on January 1, 2006, and annually thereafter each department shall pay all nonexempt state employees in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. All nonexempt state employees shall have the option of retaining up to a total of eighty compensatory time hours.

4. Missouri department of corrections employees classified as a corrections officer I or a corrections officer II who have accrued any overtime hours may choose to use those hours as compensatory leave time, provided that the leave time is available and agreed on

by such employee and his or her supervisor. Compensatory time shall be considered accrued on completion of time worked in excess of such employee's normal assigned shift and it will be the employee's decision whether to take the time off or request payment for such hours. All employees classified as a corrections officer I or a corrections officer II shall have the right to retain up to eighty hours of compensatory time at any time during the year.

[4.] 5. The provisions of subsection 2 of this section shall only apply to nonexempt state employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act, excluding employees of the general assembly. Any nonexempt state employee requesting cash payment for overtime worked shall notify such employee's department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within the calendar month following the month in which a valid request is made. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

[5.] 6. Each department shall, by November first of each year, notify the commissioner of administration, the house budget committee chair, and the senate appropriations committee chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each department shall be designated as a separate line item in the appropriations bill for that department. The provisions of this subsection shall become effective July 1, 2005.

[6.] 7. Each state department shall report quarterly to the house of representatives budget committee chair, the senate appropriations committee chair, and the commissioner of administration the cumulative number of accrued overtime hours for department employees, the dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions and vacant positions, the amount of funds for any vacant positions which will be used to pay overtime compensation for employees with full-time equivalent positions, and the current balance in the department's personal service fund.

[7.] 8. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety.

Approved June 10, 2014

HB 1092 [SCS HB 1092]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding child protection

AN ACT to repeal sections 21.771, 37.710, 210.145, 210.152, 210.160, 210.183, 334.950, and 431.056, RSMo, and to enact in lieu thereof nine new sections relating to child protection, with an existing penalty provision.

SECTION

- A. Enacting clause.
 - 21.771. Joint committee established, members, duties, meetings — expiration date.
 - 37.710. Access to information — authority of office — confidentiality of information.
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- 210.145. Telephone hotline for reports on child abuse — division duties, protocols, law enforcement contacted immediately, investigation conducted, when, exception — chief investigator named — family support team meetings, who may attend — reporter's right to receive information — admissibility of reports in custody cases.
- 210.152. Reports of abuse or neglect — division to retain certain information — confidential, released only to authorized persons — report removal, when — notice of agency's determination to retain or remove, sent when — case reopened, when — administrative review of determination — de novo judicial review.
- 210.160. Guardian ad litem, how appointed — when — fee — volunteer advocates may be appointed to assist guardian — training program.
- 210.183. Alleged perpetrator to be provided written description of investigation process.
- 334.950. Collaboration between providers and medical resource centers — definitions — recommendations — rulemaking authority, SAFE CARE providers.
- 431.056. Minor's ability to contract for certain purposes — conditions.
1. Foster parent standing for court proceedings.

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

SECTION A. ENACTING CLAUSE. — Sections 21.771, 37.710, 210.145, 210.152, 210.160, 210.183, 334.950, and 431.056, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 21.771, 37.710, 210.145, 210.152, 210.160, 210.183, 334.950, 431.056, and 1 to read as follows:

21.771. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES, MEETINGS — EXPIRATION DATE. — 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

- (1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;
- (2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;
- (3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;
- (4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;
- (5) Determine from its study and analysis the need for changes in statutory law; [and]
- (6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state; **and**

(7) Make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, children's division, the juvenile officer, the guardian ad litem, and the foster parents.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on January 15, 2018.

37.710. ACCESS TO INFORMATION — AUTHORITY OF OFFICE — CONFIDENTIALITY OF INFORMATION. — 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the resources of the office of the attorney general;**

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

210.145. TELEPHONE HOTLINE FOR REPORTS ON CHILD ABUSE — DIVISION DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION CONDUCTED, WHEN, EXCEPTION — CHIEF INVESTIGATOR NAMED — FAMILY SUPPORT TEAM MEETINGS, WHO MAY ATTEND — REPORTER'S RIGHT TO RECEIVE INFORMATION — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. — 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

5. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

6. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged [abusers] **perpetrators**, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child care facility shall have the same meaning as such term is defined in section 210.201.

7. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon

notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

8. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

9. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

10. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

11. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

12. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

13. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

15. **(1)** Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within [thirty] **forty-five** days, unless good cause for the failure to complete the investigation is **specifically** documented in the information system. **Good cause for failure to complete an investigation shall include, but not be limited to:**

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If [a child involved in a pending investigation dies] **a child fatality or near-fatality is involved in a report of abuse or neglect**, the investigation shall remain open until the division's investigation surrounding [the death] **such death or near-fatal injury** is completed.

(3) If the investigation is not completed within [thirty] **forty-five** days, the information system shall be updated at regular intervals and upon the completion of the investigation, **which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred and twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality.** The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated

report of child abuse or neglect to the office of child advocate for children's protection and services.

17. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

18. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made. If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

19. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

20. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. REPORTS OF ABUSE OR NEGLECT — DIVISION TO RETAIN CERTAIN INFORMATION — CONFIDENTIAL, RELEASED ONLY TO AUTHORIZED PERSONS — REPORT REMOVAL, WHEN — NOTICE OF AGENCY'S DETERMINATION TO RETAIN OR REMOVE, SENT WHEN — CASE REOPENED, WHEN — ADMINISTRATIVE REVIEW OF DETERMINATION — DE NOVO JUDICIAL REVIEW. — 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division,

identifying information shall be retained for two years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days, **or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality**, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section; or

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists.

3. The children's division may reopen a case for review at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible evidence is obtained that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to this section.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts

of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

210.160. GUARDIAN AD LITEM, HOW APPOINTED — WHEN — FEE — VOLUNTEER ADVOCATES MAY BE APPOINTED TO ASSIST GUARDIAN — TRAINING PROGRAM. — 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

(1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165 **except proceedings under subsection 6 of section 210.152**, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

2. **The judge, either sua sponte or upon motion of a party, may appoint a guardian ad litem to appear for and represent an abused or neglected child involved in proceedings arising under subsection 6 of section 210.152.**

[2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

[3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian

ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513.

[5.] 6. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

[6.] 7. Any person appointed to perform guardian ad litem duties shall have completed a training program in permanency planning and shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require.

210.183. ALLEGED PERPETRATOR TO BE PROVIDED WRITTEN DESCRIPTION OF INVESTIGATION PROCESS. — 1. At the time of the initial investigation of a report of child abuse or neglect, the division employee conducting the investigation shall provide the alleged perpetrator with a written description of the investigation process. Such written notice shall be given substantially in the following form:

"The investigation is being undertaken by the Children's Division pursuant to the requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child abuse or neglect.

The identity of the person who reported the incident of abuse or neglect is confidential and may not even be known to the Division since the report could have been made anonymously.

This investigation is required by law to be conducted in order to enable the Children's Division to identify incidents of abuse or neglect in order to provide protective or preventive social services to families who are in need of such services.

The division shall make every reasonable attempt to complete the investigation within [thirty days, except if a child involved in the pending investigation dies the investigation shall remain open until the division's investigation surrounding the death is completed.] **forty-five days, except for good cause which shall be documented, otherwise, within ninety days, or one hundred and twenty days after receipt of a report of abuse or neglect involving sexual abuse, or when the division's investigation is complete in cases involving a child fatality or near-fatality,** you will receive a letter from the Division which will inform you of one of the following:

- (1) That the Division has found insufficient evidence of abuse or neglect; or

(2) That there appears to be by a preponderance of the evidence reason to suspect the existence of child abuse or neglect in the judgment of the Division and that the Division will contact the family to offer social services.

If the Division finds by a preponderance of the evidence reason to believe child abuse or neglect has occurred or the case is substantiated by court adjudication, a record of the report and information gathered during the investigation will remain on file with the Division.

If you disagree with the determination of the Division and feel that there is insufficient reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you have a right to request an administrative review at which time you may hire an attorney to represent you. If you request an administrative review on the issue, you will be notified of the date and time of your administrative review hearing by the child abuse and neglect review board. If the Division's decision is reversed by the child abuse and neglect review board, the Division records concerning the report and investigation will be updated to reflect such finding. If the child abuse and neglect review board upholds the Division's decision, an appeal may be filed in circuit court within sixty days of the child abuse and neglect review board's decision."

2. If the division uses the family assessment approach, the division shall at the time of the initial contact provide the parent of the child with the following information:

- (1) The purpose of the contact with the family;
- (2) The name of the person responding and his or her office telephone number;
- (3) The assessment process to be followed during the division's intervention with the family including the possible services available and expectations of the family.

334.950. COLLABORATION BETWEEN PROVIDERS AND MEDICAL RESOURCE CENTERS — DEFINITIONS — RECOMMENDATIONS — RULEMAKING AUTHORITY, SAFE CARE PROVIDERS.— 1. As used in this section, the following terms shall mean:

(1) "Child abuse medical resource centers", medical institutions affiliated with accredited children's hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support, mentoring, and peer review to SAFE CARE providers in Missouri;

(2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's assistant licensed in this state who provides medical diagnosis and treatment to children suspected of being victims of abuse and who receives:

(a) Missouri-based initial intensive training regarding child maltreatment from the SAFE CARE network;

(b) Ongoing update training on child maltreatment from the SAFE CARE network;

(c) Peer review and new provider mentoring regarding the forensic evaluation of children suspected of being victims of abuse from the SAFE CARE network;

(3) "Sexual assault forensic examination child abuse resource education network" or "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this state to improve outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills and role of the medical provider in a multidisciplinary context.

2. Child abuse medical resource centers may collaborate directly or through the use of technology with SAFE CARE providers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may collaborate directly or through the use of technology with other SAFE CARE providers and

child abuse medical resource centers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

4. The SAFE CARE network shall develop recommendations concerning medically based screening processes and forensic evidence collection for children who may be in need of an emergency examination following an alleged sexual assault. Such recommendations shall be provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners that provide emergency examinations for children suspected of being victims of abuse.

5. The department of public safety shall establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

431.056. MINOR'S ABILITY TO CONTRACT FOR CERTAIN PURPOSES — CONDITIONS. —

1. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter for victims of domestic violence, as defined in section 455.200, or a homeless shelter, and receipt of services as a victim of domestic [and] **violence or sexual [violence] abuse**, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

(1) The minor is sixteen or seventeen years of age; and

(2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic violence, as defined in section 455.200, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and

(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and

(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:

(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;

(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110 **or committing an act or acts of domestic violence against the minor, as defined in section 455.010.**

2. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the purchase of automobile insurance with the consent of the children's division or the juvenile court. The minor shall be responsible for paying the costs of the insurance premiums and shall be liable for damages caused by his or her negligent operation of a motor vehicle. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any insurance premiums nor liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

SECTION 1. FOSTER PARENT STANDING FOR COURT PROCEEDINGS. — A foster parent shall have standing to participate in all court hearings pertaining to a child in their care.

Approved July 9, 2014

HB 1125 [HB 1125]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows a person with a physical disability or a member of the armed forces on active duty filing a declaration of candidacy by certified mail to designate a representative for the ballot order random drawing

AN ACT to repeal sections 115.124 and 115.395, RSMo, and to enact in lieu thereof two new sections relating to elections, with an emergency clause.

SECTION

- A. Enacting clause.
- 115.124. Nonpartisan election in political subdivision or special district, no election required if number of candidates filing is same as number of positions to be filled — exceptions — random drawing filing procedure followed when election is required.
- 115.395. Ballot for each party at primary — candidates, how listed — ballot information, how shown.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 115.124 and 115.395, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.124 and 115.395, to read as follows:

115.124. NONPARTISAN ELECTION IN POLITICAL SUBDIVISION OR SPECIAL DISTRICT, NO ELECTION REQUIRED IF NUMBER OF CANDIDATES FILING IS SAME AS NUMBER OF POSITIONS TO BE FILLED — EXCEPTIONS — RANDOM DRAWING FILING PROCEDURE FOLLOWED WHEN ELECTION IS REQUIRED — 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this

subsection, it shall be conducted so that each candidate, **or candidate's representative if the candidate filed under subsection 2 of section 115.355**, may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

115.395. BALLOT FOR EACH PARTY AT PRIMARY — CANDIDATES, HOW LISTED — BALLOT INFORMATION, HOW SHOWN. — 1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed, except that, in the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate, **or candidate's representative if the candidate filed under subsection 2 of section 115.355**, may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates, **or a candidate's representative if the candidate filed under subsection 2 of section 115.355**, shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate, **or candidate's representative if the candidate filed under subsection 2 of section 115.355**, may draw a number at random at the time of filing. If such drawing is conducted, the election authority shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn.

3. Insofar as applicable, the provisions of sections 115.237[, 115.241] and 115.245 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to allow the provisions of this act to apply to the immediate needs of candidates filing under subsection 2 of section 115.355 for the current period of candidate filing, this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved February 19, 2014

HB 1136 [SCS HB 1136]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding elections

AN ACT to repeal sections 115.013, 115.104, 115.121, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.301, 115.305, 115.342, 115.346, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, and 115.503, RSMo, and to enact in lieu thereof twenty-six new sections relating to elections.

SECTION

- A. Enacting clause.
- 115.013. Definitions.
- 115.104. Youth election participant — oath — nomination procedure — qualifications — election authorities and judges to direct, powers and duties — high schools may offer preparatory courses.
- 115.121. General election, when held — primary election, when held — general municipal election day, when held.
- 115.221. Voting records to be inspected annually.
- 115.237. Ballots, contents of — straight political party ticket voting prohibited — rulemaking authority.
- 115.255. Electronic voting machines used, paper ballots permitted, when.
- 115.257. Electronic voting machines to be put in order, procedure to be followed.
- 115.261. Voting machine not to be unlocked or opened during election, exception.
- 115.263. No persons except voters to handle electronic voting machine during election, exception.
- 115.265. Inoperative electronic voting machine, procedure to follow.
- 115.267. Experimental use, adoption of or abandonment of electronic voting equipment authorized.
- 115.269. Exhibition, demonstration and instruction on electronic voting machines authorized.
- 115.271. Electronic voting machines may be rented out or loaned to civic or educational organizations, when, procedure.
- 115.273. Consistent general law to apply in jurisdictions using electronic voting machines.
- 115.342. Disqualification for delinquent taxes — affidavit, form — complaints, investigation, notice, payment of taxes.
- 115.417. Voter instruction cards to be delivered to polls — instructions and sample ballot to be posted, how.
- 115.420. Butterfly ballot prohibited, exceptions.
- 115.431. Identification certificates to be initialed by judges and preserved as poll lists.
- 115.443. Paper ballots, how marked — electronic voting machines, how voted.
- 115.453. Procedure for counting votes for candidates.
- 115.475. Return of ballots, memory cards, and election materials, procedure for (electronic voting).
- 115.477. Ballots, procedure for counting (electronic voting).
- 115.479. Tabulating equipment to be tested, when (electronic voting).
- 115.483. Duties of judge after polls close (voting machines).
- 115.495. Electronic voting machine to be kept secured — machine unlocked, when — election contest, initial election data to be removed and secured before subsequent election.
- 115.503. Verification board to inspect or cause inspection of secured electronic voting machines.
- 115.231. Electronic ballots, how arranged.
- 115.251. Recording counters defined — machine may have device for preserving recording counter readings before and after election.
- 115.253. Voting machine ballot labels, how printed and displayed.
- 115.301. Ballot cards and write-in votes on absentee ballots, how tabulated.
- 115.305. Exempt candidates — exception — certain fourth class cities — when.
- 115.346. Persons in arrears for municipal taxes or fees shall not be candidates for municipal office, when.
- 115.485. Certification of tally book and statements of returns (voting machines).
- 115.487. Tally book, form of — tally sheet, form of (voting machines).
- 115.489. Statements of returns, tally book, write-in votes and election supplies, how returned to election authority (voting machines).

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

SECTION A. ENACTING CLAUSE. — Sections 115.013, 115.104, 115.121, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.301, 115.305, 115.342, 115.346, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, and 115.503, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be

known as sections 115.013, 115.104, 115.121, 115.221, 115.237, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.342, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.495, and 115.503, to read as follows:

115.013. DEFINITIONS. — As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) "Ballot label", the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) "County", any one of the several counties of this state or the City of St. Louis;

(7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

(8) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

(9) "Electronic voting machine", any part of an electronic voting system on which a voter is able to cast a ballot under this chapter;

[(9)] (10) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, and includes computerized voting systems;

[(10)] (11) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office, more than two percent of the entire vote cast for the office. "Established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

[(11)] (12) "Federal office", the office of presidential elector, United States senator, or representative in Congress;

[(12)] (13) "Independent", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

[(13)] (14) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;

[(14)] (15) "Marking device", either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device which will enable the votes to be counted by automatic tabulating equipment;

[(15)] (16) "Municipal" or "municipality", a city, village, or incorporated town of this state;

[(16)] (17) "New party", any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

[(17)] (18) "Nonpartisan", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

[(18)] (19) "Political party", any established political party and any new party;

[(19)] (20) "Political subdivision", a county, city, town, village, or township of a township organization county;

[(20)] (21) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

[(21)] (22) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

[(22)] (23) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

[(23)] (24) "Question", any measure on the ballot which can be voted "YES" or "NO";

[(24)] (25) "Relative within the first degree by consanguinity or affinity", a spouse, parent, or child of a person;

[(25)] (26) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

[(26)] (27) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

[(27)] (28) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

[(28)] (29) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election.

115.104. YOUTH ELECTION PARTICIPANT — OATH — NOMINATION PROCEDURE — QUALIFICATIONS — ELECTION AUTHORITIES AND JUDGES TO DIRECT, POWERS AND DUTIES — HIGH SCHOOLS MAY OFFER PREPARATORY COURSES. — 1. As used in this section, the term "participant" means a Missouri youth election participant.

2. Notwithstanding any other law to the contrary, any person more than fifteen years of age but less than eighteen years of age who is in full-time attendance in a school of this state may aid and assist any election judge or election authority authorized or appointed pursuant to this chapter. Such [persons] **person** shall be known as "Missouri Youth Election Participants" and shall, before entering upon the duties related to an election conducted pursuant to this chapter, take and subscribe the following oath, which shall be signed by the participant and an original copy thereof delivered to the election authority:

I solemnly swear or affirm that I will impartially discharge the duties of a Missouri youth election participant by following to the best of my ability the instructions of any election judge, election authority, or teacher of my school. I also swear or affirm that I will not disclose how any voter has voted unless I am told to do so by an election judge, election authority, or a court of law in a proper judicial proceeding. I also swear or affirm that I will make no statement nor give any information of any kind tending in any way to show the state of the count of votes prior to the close of the polls on election day, nor will I make any statement during the conduct of my duties which tends to show my preferences for any issue or candidate involved in the election.

.....
Signature of Missouri Youth
Election Participant

3. If, in the opinion of the chief administrative officer of any high school of this state, the appointment of students in the tenth, eleventh or twelfth grade as Missouri youth election participants would benefit those persons involved and the election process, the officer may

nominate such persons as participants. The chief administrative officer shall establish the academic and behavioral standards for qualification, but persons nominated shall, at a minimum:

- (1) Have demonstrated age-appropriate academic ability and demeanor;
- (2) Be a person of good repute who can speak, read and write the English language; and
- (3) Not be related within the second degree of consanguinity or affinity to any person whose name appears on the ballot, except that no participant shall be disqualified if related within such degree to an unopposed candidate.

4. The chief administrative officer of the school shall transmit a written list of nominees to the election authority of the jurisdiction at least sixty days prior to the election. If, in the opinion of the election authority, the appointment of participants nominated pursuant to this section would not be disruptive to the election process, the election authority may appoint any number of participants for each polling place or place where votes are to be counted within its jurisdiction. Such appointment shall include a schedule of the time during which the participant is expected to serve. [No participant shall be entitled to any compensation or remuneration for the time served as a participant or costs incurred in the performance of his duties.] Nothing in this section shall be construed to mandate the appointment of any participant if, in the sole discretion of the election authority, the presence of such participants in any polling place or place where votes are counted would be disruptive to the orderly election process.

5. Subject to the provisions of this section and under the direct supervision of the election authority or election judges, each participant may assist in the administration of the polling place, assist in the counting of votes, assist in the execution of any administrative duty of any election authority or election judge, and perform any other election-day-related duty as instructed.

6. Each election authority and election judge appointed pursuant to this chapter shall have the authority to direct any Missouri youth election participant in his duties and to compel compliance with law. Each election authority may, in its sole discretion, substitute participants on or before election day. Each election authority or election judge shall have the authority at any time to take any action necessary to remove any participant from any polling place or place where votes are being counted. It shall be the duty of any law enforcement officer, if requested by the election authority or judges of election, to exclude any participant from the polling place or place where votes are being counted.

7. In order to best prepare students for duty as Missouri youth election participants pursuant to this section, each high school of this state may offer a course of instruction in the democratic electoral process which concentrates upon the election law of this state. The high school may require successful completion of such a course prior to qualification for nomination as a Missouri youth election participant.

115.121. GENERAL ELECTION, WHEN HELD — PRIMARY ELECTION, WHEN HELD — GENERAL MUNICIPAL ELECTION DAY, WHEN HELD. — 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day.

[4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost

due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the month of April or May, 2003.

5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003, shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.

6. In addition to the general election day provided for in subsection 1 of this section, for the year 2009 the first Tuesday after the first Monday in November shall be a general election day for the purpose of permitting school districts to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district, to provide funds for school districts to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds and the provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as amended, which provides for traditional government bonds.]

115.221. VOTING RECORDS TO BE INSPECTED ANNUALLY. — [At least once each year,] **Notwithstanding any other provisions of law to the contrary,** each election authority [shall] **may** have the voting records inspected and may investigate the qualifications of any person who has not voted or transferred his registration within the four preceding calendar years.

115.237. BALLOTS, CONTENTS OF — STRAIGHT POLITICAL PARTY TICKET VOTING PROHIBITED — RULEMAKING AUTHORITY. — 1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of all offices and candidates certified or filed pursuant to this chapter and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. [Except as provided in subsection 5 of this section, each ballot shall have:

- (1) Each party name printed in capital letters not less than eighteen point in size;
- (2) The name of each office printed in capital letters not less than eight point in size;
- (3) The name of each candidate printed in capital letters not less than ten point in size;
- (4) A small square, the sides of which shall not be less than one-fourth inch in length, printed directly to the left of each candidate's name and on the same line as the candidate's name. When write-in votes are authorized and no candidate's name is to be printed under the name of an office in a party or nonpartisan column, under the name of the office in the column shall be printed a square. Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a person whose name does not appear on the ballot. When more than one position is to be filled for an office, and the number of candidates' names under the office in a column is less than the number of positions to be filled, the number of squares and write-in lines printed in the column shall equal the difference between the number of candidates' names and the number of positions to be filled;

(5) The list of candidates of each party and all nonpartisan candidates placed in separate columns with a heavy vertical line between each list;

(6) A horizontal line extending across the ballot three-eighths of an inch below the last name or write-in line under each office in such a manner that the names of all candidates and all write-in lines for the same office appear between the same horizontal lines. If write-in votes are not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below the name of the last candidate under each office;

(7) In a separate column or beneath a heavy horizontal line under all names and write-in lines, all questions;

(8) At least three-eighths of an inch below all other matter on the ballot, printed in ten-point Gothic type, the words "Instructions to Voters" followed by directions to the voter on marking the ballot as provided in section 115.439;

(9) Printed at the top on the face of the ballot the words "Official Ballot" followed by the date of the election and the statement "Instruction to Voters: Place an X in the square opposite the name of the person for whom you wish to vote." **In polling places using electronic voting systems, the ballot information may be arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event, the name of each candidate, the candidate's party, the office for which he or she is a candidate, and each question shall be indicated clearly on the ballot.**

3. [As nearly as practicable, each ballot shall be in substantially the following form:

OFFICIAL BALLOT

DATE

REPUBLICAN For President and Vice President <input type="checkbox"/>	DEMOCRATIC For President and Vice President <input type="checkbox"/>	THIRD PARTY For President and Vice President <input type="checkbox"/>	INDEPENDENT For President and Vice President <input type="checkbox"/>
For United States Senator <input type="checkbox"/>	For United States Senator <input type="checkbox"/>	For United States Senator <input type="checkbox"/>	For United States Senator <input type="checkbox"/>
For Governor <input type="checkbox"/>	For Governor <input type="checkbox"/>	For Governor <input type="checkbox"/>	For Governor <input type="checkbox"/>
For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>
For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>
For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>
For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>
For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>
For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>
For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>
For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>]

Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

4. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be provided by the election authority to permit each voter to write in the names of persons whose names do not appear on the ballot.

5. No ballot printed or designed for use with an electronic voting system for any partisan election held under this chapter shall allow a person to vote a straight political party ticket. For purposes of this subsection, a "straight political party ticket" means voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot.

[5.] 6. The secretary of state shall promulgate rules that specify uniform standards for ballot layout for each electronic or computerized ballot counting system approved under the provisions of section 115.225 so that the ballot used with any counting system is, where possible, consistent with the intent of this section. Nothing in this section shall be construed to require the format specified in this section if it does not meet the requirements of the ballot counting system used by the election authority.

[6.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.255. ELECTRONIC VOTING MACHINES USED, PAPER BALLOTS PERMITTED, WHEN. — [1. In polling places using voting machines, the ballot information may be arranged in vertical or horizontal rows. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot label. All ballot labels shall be placed to indicate clearly to the voter which key lever or other device to operate in order to vote on questions and for the candidates of his choice.

2. Nothing in this subchapter shall be construed as prohibiting] The use of [a] separate paper [ballot] **ballots** for questions **and candidates** in polling places **shall not be prohibited** where **electronic** voting machines are used.

115.257. ELECTRONIC VOTING MACHINES TO BE PUT IN ORDER, PROCEDURE TO BE FOLLOWED. — 1. In jurisdictions where **electronic** voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places. [Before delivery to the polling places, the election authority shall have all recording counters, except the protective counter on each voting machine set at zero (000).]

2. At least five days before preparing **electronic** voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When [a] **an electronic voting** machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting [and sealed in their presence with a numbered metal seal]. The observers shall certify the [number] **vote count**

on each machine], the number on each protective counter, the number on each seal and that each recording counter] is set at zero.

4. After [a] **an electronic** voting machine has been properly prepared[,] **and** locked [and sealed], its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. Nothing in this section shall prohibit the on-site storage of **electronic** voting machines and the preparation of the **electronic** machines for voting, provided the **electronic** voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3 and 4 of this section.

115.261. VOTING MACHINE NOT TO BE UNLOCKED OR OPENED DURING ELECTION, EXCEPTION. — During an election, no door [or other counter], compartment [covering], **or lock** shall be unlocked or opened [or the counters exposed], except by direction of the election authority, and then only for good and sufficient reason. If the door [or other counter], compartment [covering], **or lock** on any machine is opened by the election authority or his representative, the reason for such opening shall be stated in writing, signed by the election authority or his representative and attached to one statement of returns.

115.263. NO PERSONS EXCEPT VOTERS TO HANDLE ELECTRONIC VOTING MACHINE DURING ELECTION, EXCEPTION. — After the opening of the polls, the election judges shall not permit any person to handle any **electronic** voting machine, except voters while they are voting and others expressly authorized by the election authority **or state law**.

115.265. INOPERATIVE ELECTRONIC VOTING MACHINE, PROCEDURE TO FOLLOW. — If any **electronic** voting machine at a polling place becomes inoperative, the election judges shall immediately notify the election authority. If possible, the election authority shall repair or replace the machine. If [a] **an electronic** voting machine is replaced with another machine, the votes on both machines shall be recorded at the close of the polls and shall be added together in determining the results of the election. If the inoperative machine cannot be repaired, and no other machine is available for use, paper ballots, made as nearly as practicable to the official ballot may be used. At the close of the polls, the votes on paper ballots and the votes on the **electronic** voting machines shall be recorded and shall be added together in determining the results of the election. All paper ballots used pursuant to this section shall be used in accordance with the laws affecting paper ballots and shall be returned to the election authority as paper ballots are returned with a statement describing how and why the paper ballots were voted.

115.267. EXPERIMENTAL USE, ADOPTION OF OR ABANDONMENT OF ELECTRONIC VOTING EQUIPMENT AUTHORIZED. — Any election authority may adopt, experiment with or abandon any [voting machine meeting the requirements of this subchapter or any] electronic voting system approved for use in the state, or may lease one or more **electronic** voting machines or other equipment, either with or without option to purchase, and may use any authorized **electronic** voting equipment at any polling place in its jurisdiction.

115.269. EXHIBITION, DEMONSTRATION AND INSTRUCTION ON ELECTRONIC VOTING MACHINES AUTHORIZED. — For the purpose of giving instructions on their use, any election authority may designate suitable times and places for the exhibition and demonstration of its **electronic** voting machines [or marking devices]. During such instructions, the **electronic** voting machines [and marking devices] may contain sample ballot labels which show the names of offices and fictitious candidates. No **electronic** voting machine shall be used for instruction after it has been prepared [and sealed] for use at an election, unless it is prepared again [and resealed] prior to the election. [During the instructions, no counting mechanism on any voting machine shall be exposed to view.]

115.271. ELECTRONIC VOTING MACHINES MAY BE RENTED OUT OR LOANED TO CIVIC OR EDUCATIONAL ORGANIZATIONS, WHEN, PROCEDURE. — 1. While its **electronic** voting machines [or marking devices] are not in use, the election authority may permit civic or educational organizations to use the machines [or devices] for the purpose of giving instructions on their use.

2. Any election authority may rent its **electronic** voting machines [or marking devices] to any other group for use in its elections.

3. At the discretion of the election authority, the machines [or devices] may be transported at the expense of the organizations using them. The president or secretary of each organization using such machines [or devices] shall sign a receipt therefor and shall agree in writing that the organization assumes liability for any damage or loss occurring to the machines [or devices] up to the time they are returned to the election authority and will return the machines [or devices] by a designated time.

115.273. CONSISTENT GENERAL LAW TO APPLY IN JURISDICTIONS USING ELECTRONIC VOTING MACHINES. — All provisions of law not inconsistent with the provisions of sections 115.249 to 115.271 shall apply with full force and effect to elections in jurisdictions using **electronic** voting machines.

115.342. DISQUALIFICATION FOR DELINQUENT TAXES — AFFIDAVIT, FORM — COMPLAINTS, INVESTIGATION, NOTICE, PAYMENT OF TAXES. — 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, **municipal taxes**, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, **municipal taxes**, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

..... Candidate's Signature
..... Printed Name of Candidate.

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, **municipal taxes**, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refileing for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

115.417. VOTER INSTRUCTION CARDS TO BE DELIVERED TO POLLS — INSTRUCTIONS AND SAMPLE BALLOT TO BE POSTED, HOW. — 1. Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of voter instruction cards which include the following information:

(1) If paper ballots or an electronic voting system is used, the instructions shall inform the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box and how to obtain a new ballot to replace one accidentally spoiled[;

(2) If voting machines are used, the instructions shall inform the voter how to operate the machine in such a manner that the voter may vote as the voter wishes].

2. The election authority at each polling place shall post in a conspicuous place voting instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions shall also inform the voter that the **electronic** voting equipment can be demonstrated upon request of the voter. The election authority shall also publicly post during the period of time in which a person may cast an absentee ballot and on election day a sample version of the ballot that will be used for that election, the date of the election, the hours during which the polling place will be open, instructions for mail-in registrants and first-time voters, general information on voting rights in accordance with the state plan filed by the secretary of state pursuant to the Help America Vote Act of 2002, general information on the right to cast a provisional ballot and instructions for provisional ballots, how to contact appropriate authorities if voting rights have been violated, and general information on federal and Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of state may promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

3. [If marking devices or voting machines are used, the election authority shall also provide to each polling place a model of a marking device or portion of the face of a voting machine. If requested to do so by a voter, the election judges shall give instructions on operation of the marking device or voting machine by use of the model.

4.] The secretary of state may develop multilingual voting instructions to be made available to election authorities.

115.420. BUTTERFLY BALLOT PROHIBITED, EXCEPTIONS. — 1. An election authority [operating a voting system that uses ballot cards] shall not use a butterfly ballot unless the secretary of state provides written approval to the election authority for the use of a butterfly ballot in the particular election.

2. For purposes of this section, "butterfly ballot" means a ballot where two ballot pages are used side by side and where voters must vote on candidates or issues on both sides of the pages.

[3. The secretary of state may approve the use of a butterfly ballot in a particular election when a large number of candidates and issues are to be decided, no alternative ballot is reasonable under the circumstances, and the election authority submits to the secretary of state a written explanation of the need for using a butterfly ballot. The secretary of state shall respond to such written request within two business days.]

115.431. IDENTIFICATION CERTIFICATES TO BE INITIALED BY JUDGES AND PRESERVED AS POLL LISTS. — Upon satisfactory identification of the voter, two judges of different political parties shall place their initials on the line where the voter signed the precinct register **or, if electronic pollbooks are used, two judges of different political parties shall make the appropriate mark on the pollbook.** [All voters' names on the precinct register shall be numbered consecutively in the order in which they have signed, starting with the number "1".] The [computer] **computerized or paper** precinct register shall then constitute the poll list.

115.443. PAPER BALLOTS, HOW MARKED — ELECTRONIC VOTING MACHINES, HOW VOTED. — 1. Where paper ballots are used, the voter shall, before leaving the voting booth, fold

his ballot so that the [cross (X)] **distinguishing** marks are concealed. The voter shall place his ballot in the ballot box and leave the polling place immediately.

2. [Where ballot cards with envelopes are used, the voter shall, immediately before leaving the voting booth, place his ballot card in the ballot envelope. Where ballot cards with stubs are used, the voter shall, immediately after leaving the voting booth, hand his ballot card or envelope containing his ballot card to an election judge. The election judge shall remove the stub from the ballot card and, where ballot envelopes are used, replace the ballot card in the envelope and return the ballot card or envelope containing the ballot card to the voter. The voter shall place the ballot card or envelope containing the ballot card in the ballot box and leave the polling place immediately. Where ballot cards without stubs are used, the voter shall, immediately after leaving the voting booth, place the ballot card or ballot envelope containing the ballot card in the ballot box and leave the polling place immediately.

3.] Where **electronic** voting machines are used, the voter shall register his vote as directed in the instructions for use of the machine and leave the polling place immediately.

115.453. PROCEDURE FOR COUNTING VOTES FOR CANDIDATES. — Election judges shall count votes for all candidates in the following manner:

(1) No candidate shall be counted as voted for, except a candidate before whose name a [cross (X)] **distinguishing** mark appears [in the square] preceding the name and a [cross (X)] **distinguishing** mark does not appear in the square preceding the name of any candidate for the same office in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a [cross (X)] **distinguishing** mark [in the square] preceding his or her name shall be counted as voted for;

(2) If [cross (X)] **distinguishing** marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted;

(3) No vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked substantially in accordance with this section and section 115.456 when the intent of the voter seems clear. Regulations promulgated by the secretary of state shall be used by the judges to determine voter intent. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law;

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority, who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed. No person shall file a declaration of intent to be a write-in candidate for election to any

municipal office unless such person is qualified to be certified as a candidate under section 115.346;

(5) Write-in votes shall be cast and counted for a candidate without party designation. Write-in votes for a person cast with a party designation shall not be counted. Except for candidates for political party committees, no candidate shall be elected as a write-in candidate unless such candidate receives a separate plurality of the votes without party designation regardless of whether or not the total write-in votes for such candidate under all party and without party designations totals a majority of the votes cast;

(6) When submitted to the election authority, each declaration of intent to be a write-in candidate for the office of United States president shall include the name of a candidate for vice president and the name of nominees for presidential elector equal to the number to which the state is entitled. At least one qualified resident of each congressional district shall be nominated as presidential elector. Each such declaration of intent to be a write-in candidate shall be accompanied by a declaration of candidacy for each presidential elector in substantially the form set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of presidential elector shall be subscribed and sworn to by the candidate before the election official receiving the declaration of intent to be a write-in, notary public or other officer authorized by law to administer oaths.

115.475. RETURN OF BALLOTS, MEMORY CARDS, AND ELECTION MATERIALS, PROCEDURE FOR (ELECTRONIC VOTING). — 1. [Immediately after signing the statements of returns, or earlier if convenient, the election judges shall separate all ballot cards, except defective ballot cards, from the write-in forms if any. As soon as possible after signing the statements of returns, the election judges shall enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms containing proper votes, and the tally book, tally sheets and statements of returns in a container designated by the election authority. The container shall be securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. On the outside of the container, the location of the polling place and date of the election shall be printed.

2.] As soon as possible after signing the statements of returns, the election judges shall **seal and enclose the ballots, electronic voting machine memory cards**, write-in forms containing no votes, the unused ballots and other election supplies in containers designated by the election authority.

[3.] **2.** Immediately after the [ballot cards and other] election materials have been placed in the proper containers, the two supervisory judges shall together deliver the containers to the counting location or other place designated by the election authority. If any [ballot card] container is not sealed when it is delivered to the counting location or other place designated by the election authority, the election official receiving the container shall make a statement of the fact which includes the location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

[4.] **3.** If the election authority has directed the supervisory judges to deliver election materials to a place other than the counting location, the election authority shall appoint at least one team of election judges who shall receive the [ballot] containers from the supervisory judges and immediately deliver them to the counting location. Each team appointed pursuant to this subsection shall consist of two election judges or employees of the election authority, one from each major political party.

[5. The election authority may authorize the delivery of ballots voted prior to 11:00 a.m. to the counting location prior to the closing of the polls.]

115.477. BALLOTS, PROCEDURE FOR COUNTING (ELECTRONIC VOTING). — 1. In each jurisdiction using an electronic voting system, all proceedings at the counting location shall be under the direction of the election authority. The election authority shall appoint two judges, one

from each major political party, to be present and observe the count. The counting shall be open to the public, but no persons, except those employed and authorized for the purpose, shall touch any ballot, ballot container or return.

2. [All ballot cards shall be counted in order by polling place.] The automatic tabulating equipment shall produce a return showing the total number of votes cast for each candidate and on each question at each polling place and in the jurisdiction as a whole.

3. If any ballot is damaged and cannot be properly counted by the automatic tabulating equipment, it may be handcounted in the manner provided for absentee ballots, or a true duplicate copy may be made of the defective ballot. If any ballot contains a number of votes and write-in votes for any office which exceeds the number allowed by law, it may be handcounted in the manner provided for absentee ballots, a true duplicate copy be made which does not include the invalid votes or, at the discretion of the election judges, a self-adhesive removable label, sensitized, may be placed over any mark to allow the ballot to be processed through the automatic tabulating equipment. The duplication of each ballot shall be closely observed by two election judges or employees of the election authority, one from each major political party. Each duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number which shall be recorded on the defective ballot, and shall be counted in lieu of the defective ballot.

115.479. TABULATING EQUIPMENT TO BE TESTED, WHEN (ELECTRONIC VOTING). — In each jurisdiction using an electronic voting system, the election authority shall, after the count has been completed and the results received, have the automatic tabulating equipment tested to ascertain that the equipment has correctly counted the votes for all offices and on all questions. The test shall be observed by at least two persons designated by the election authority, one from each major political party, and shall be open to the public. The test shall be conducted by processing the same preaudited group of [ballot cards] **ballots** used in the preelection test provided for in section 115.233. If any error is detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the final results are announced. After the completion of an errorless count, the programs and the [ballot cards] **ballots** shall be sealed, retained and disposed of as provided for paper ballots.

115.483. DUTIES OF JUDGE AFTER POLLS CLOSE (VOTING MACHINES). — 1. As soon as the polls close in each polling place using **electronic** voting machines, the election judges shall [lock and seal] **secure** each voting machine against further voting and proceed to count the votes. Once begun, the count shall not be adjourned or postponed until all proper votes have been counted.

2. The election judges shall open the counting compartment on each voting machine or, if a machine is equipped with a device for printing, embossing or photographing the registering counters, the judges shall operate the machine to produce a record of the counters. One counting judge shall read the total vote cast for each candidate and for and against each question on each machine. The other counting judge shall watch and verify each total as it is being read from the recording counters or from the record of the counters. The two recording judges shall each record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges.

3. All proper write-in votes shall be read, recorded and counted as provided in sections 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear. No write-in vote shall be counted unless it is cast in the appropriate place on the machine.

4. If more than one voting machine is used in a polling place, the election judges shall read, verify and record all the totals from the first machine before proceeding to the second, and so on, until all of the totals on each machine in the polling place have been read, verified and recorded. The total number of votes from each machine shall be added to the write-in votes to determine the total vote for each candidate and for and against each question.

115.495. ELECTRONIC VOTING MACHINE TO BE KEPT SECURED — MACHINE UNLOCKED, WHEN — ELECTION CONTEST, INITIAL ELECTION DATA TO BE REMOVED AND SECURED BEFORE SUBSEQUENT ELECTION. — 1. After being [locked and sealed] **secured** against further voting by the election judges, **electronic** voting machines shall remain [locked] **secured** for the period provided by law for filing an election contest and as much longer as may be necessary or advisable because of any threatened or pending contest, grand jury investigation, or civil or criminal case relating to the election. During this time, the **electronic** voting machines shall not be [unlocked] **unsecured**, except upon order of a court, grand jury or legislative body trying an election contest.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, when an election is required by law to be held after an election during any period of time described in subsection 1 of this section, the data of the electronic voting machine relating to the initial election shall be removed and secured and such machine shall be made available for use in the subsequent election.

115.503. VERIFICATION BOARD TO INSPECT OR CAUSE INSPECTION OF SECURED ELECTRONIC VOTING MACHINES. — 1. As soon as possible after an election in which **electronic** voting machines are used, the verification board, or a bipartisan committee appointed by the verification board, shall inspect each **secured electronic** voting machine [not equipped with printed election return mechanisms used at the election and shall make a record of the number on the seal and protective counter of each machine, open the counter compartment of the machine] and [, without unlocking the machine against voting,] record the votes cast on the machine. In precincts where **electronic** voting machines equipped with printed election returns mechanisms are used, the counter compartment shall not be opened and the original and duplicate originals of the printed return sheets of the votes cast on questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the official return sheet for the votes cast on that machine, when properly certified by the precinct election officers. [One copy of such printed return sheet shall be posted on the outside of the polling place for the information of the public.] One copy of **such printed return sheet** shall be returned to the election authority and retained by it for not less than one year. Any bipartisan committee appointed pursuant to this subsection shall consist of at least two people, one from each major political party, who shall be appointed in the same manner and possess the same qualifications as election judges.

2. After the verification board or committee has completed its inspection and record, it shall compare the record with the returns made by the election judges on election day. If there is a discrepancy between the returns of the election judges and the record of the verification board or committee, the verification board shall correct the returns made by the judges to conform to its record. The corrected returns shall supersede the returns made by the election judges on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493.

[115.231. ELECTRONIC BALLOTS, HOW ARRANGED. — 1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device, may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, the candidate's

party, the office for which he or she is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot.]

[115.251. RECORDING COUNTERS DEFINED — MACHINE MAY HAVE DEVICE FOR PRESERVING RECORDING COUNTER READINGS BEFORE AND AFTER ELECTION. — Any voting machine may be provided with a device for printing, embossing or photographing the recording counters before the polls open and after the polls close. "Recording counters" are the counters which show the total number of votes cast for each candidate and for and against each question at any particular time.]

[115.253. VOTING MACHINE BALLOT LABELS, HOW PRINTED AND DISPLAYED. — Prior to every election at which voting machines are used, the election authority shall insert ballot labels into the voting machines. The ballot labels shall be printed in black on white material of uniform size and shall fit the ballot frames of the machines. In its discretion, the election authority may print the names of the offices in red. The part of the ballot labels pertaining only to questions may be printed in black upon material tinted red. After the ballot labels have been inserted into the machines, the face of each ballot label shall be completely covered with a protective covering of smooth, hard, transparent material so that it is impossible to alter the face of the ballot label without removing or breaking the covering.]

[115.301. BALLOT CARDS AND WRITE-IN VOTES ON ABSENTEE BALLOTS, HOW TABULATED. — If ballot cards are used as absentee ballots, the teams shall meet on election day at a time and place designated by the election authority and shall proceed to separate the ballot cards from the write-in forms and to count the write-in votes as provided in section 115.467. The returns shall be made as provided in sections 115.471 and 115.473, and the ballot cards and other designated election materials shall be delivered to the counting location and tabulated in the manner provided in section 115.475, but no ballot card shall be tabulated before the time fixed by law for the closing of the polls.]

[115.305. EXEMPT CANDIDATES — EXCEPTION — CERTAIN FOURTH CLASS CITIES — WHEN. — This subchapter shall not apply to candidates for special district offices, township offices in township organization counties, or city, town and village offices; provided that, cities of the fourth class, except those in a county of the first class with a charter form of government and which adjoins a city not within a county, may elect, only by ordinance, to hold primary elections in accordance with the provisions of sections 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, and the ordinance shall state which of these provisions of law are being adopted.]

[115.346. PERSONS IN ARREARS FOR MUNICIPAL TAXES OR FEES SHALL NOT BE CANDIDATES FOR MUNICIPAL OFFICE, WHEN. — Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for

such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.]

[115.485. CERTIFICATION OF TALLY BOOK AND STATEMENTS OF RETURNS (VOTING MACHINES). — At each polling place using voting machines, after the polling place is closed, the judges shall

(1) Certify in the tally book the number on the protective counter of each machine, the number of identification certificates signed and the number of proper write-in votes cast at the polling place. If the number of signed identification certificates is not the same as the number of votes cast as registered on the protective counters, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) Certify on two statements of returns the total number of votes cast for each candidate and for and against each question at the polling place;

(3) Certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned to the election authority.]

[115.487. TALLY BOOK, FORM OF — TALLY SHEET, FORM OF (VOTING MACHINES). — 1. The tally book for each polling place using voting machines shall be in substantially the following form: Tally book for precincts, at the general (special, primary) election held on the day of, 20.... AB, CD, EF, and XP judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties. We hereby certify: This polling place received voting machines numbered and; The number on the seal of voting machine number is; the number on its protective counter is; The number on the seal of voting machine number is; the number on its protective counter is; All recording counters on all voting machines received at this polling place are set at zero; The information on the ballot labels on all voting machines received at this polling place is the same as the information on the sample ballots received at this polling place.

AB

CD

EF Election Judges XP We hereby certify: The number on the protective counter of voting machine number is; The number on the protective counter of voting machine number is; The number of identification certificates signed at this polling place is; The number of proper write-in votes cast at this polling place is

AB

CD

EF

XP

2. At each polling place using voting machines, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges. The tally sheets shall be in substantially the following form:

NAMES OF PERSONS VOTED FOR AND
FOR WHAT OFFICE AND THE NUMBER
OF VOTES CAST FOR EACH PERSON

Office	Candidates	Voting	Voting	Write-in	Total
		Machine	Machine		
		Number__	Number__	Votes	Votes

Governor	MC				
	HK				
	EH				
Representative in Congress	SS				
	RK				
	CB				

VOTES FOR AND AGAINST EACH QUESTION

Question	Voting Machine Number _____		Voting Machine Number _____		Total Number of Votes	Total Number of Votes
	Votes FOR	Votes AGAINST	Votes FOR	Votes AGAINST	Votes FOR	Votes AGAINST

1. To _____ _____ _____						
2. To _____ _____ _____						

3. At each polling place using voting machines, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the form provided in subsection 3 of section 115.461.]

[115.489. STATEMENTS OF RETURNS, TALLY BOOK, WRITE-IN VOTES AND ELECTION SUPPLIES, HOW RETURNED TO ELECTION AUTHORITY (VOTING MACHINES). — 1. Immediately after signing the statements of returns, the election judges shall enclose the write-in votes, tally books, statements of returns and other election supplies in containers designated by the election authority.

2. In each jurisdiction using voting machines, the election authority may direct the supervisory judges to place the precinct registers, identification certificates and other election supplies inside the voting machines and lock them for return to the election authority.]

Approved June 4, 2014

HB 1189 [HCS HB 1189]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires DESE to adopt a policy on high school graduation that allows certain agriculture or career and technical education courses to satisfy certain subject-specific graduation requirements

AN ACT to amend chapter 170, RSMo, by adding thereto one new section relating to graduation requirements.

SECTION

A. Enacting clause.

170.017. Agriculture or career and technical course may be substituted for certain units required for high school graduation, exception.

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

SECTION A. ENACTING CLAUSE. — Chapter 170, RSMo, is amended by adding thereto one new section, to be known as section 170.017, to read as follows:

170.017. AGRICULTURE OR CAREER AND TECHNICAL COURSE MAY BE SUBSTITUTED FOR CERTAIN UNITS REQUIRED FOR HIGH SCHOOL GRADUATION, EXCEPTION. — **The department of elementary and secondary education shall, by July 1, 2015, develop a high school graduation policy that allows a student to fulfill one unit of academic credit with a district-approved agriculture or career and technical education course for any communication arts, mathematics, science, or social studies unit required for high school graduation in any combination up to fulfilling one requirement in each of the four subject areas. The substitution may not be made where the course for which the agriculture or career and technical education course is being substituted requires an end-of-course statewide assessment. The credit cannot be substituted for any course which requires a statewide end-of-course assessment. The policy required under this section shall be in addition to the optional waiver of one unit of academic credit for a three-unit career and technical program of studies.**

Approved July 9, 2014

HB 1190 [SCS HB 1190]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the Facilitating Business Rapid Response to State Declared Disasters Act and requires the issuance of permits to transport equipment and materials following a disaster where utility service has been

AN ACT to repeal sections 143.041, 143.071, 143.191, 144.610, 285.230, 285.232, 285.233, 285.234, and 304.180, RSMo, and to enact in lieu thereof fourteen new sections relating to facilitating rapid response to disasters, with an existing penalty provision.

SECTION

A. Enacting clause.

- 143.041. Nonresident individual — inapplicable to out-of-state businesses and employees, when.
 143.071. Corporations — inapplicable to out-of-state businesses, when.
 143.191. Employer to withhold tax from wages — armed services, withholding from wages or retirement — federal civil service retirement, withholding authorized, when — inapplicable to out-of-state businesses, when.
 144.610. Tax imposed, property subject, exclusions, who liable — inapplicable to out-of-state businesses and employees, when.
 190.270. Citation of law.
 190.275. Definitions.
 190.280. Out-of-state businesses not subject to certain state or local requirements — out-of-state employee not a resident for tax purposes — limitations.
 190.285. Notification to secretary of state by out-of-state business required, when, content — information provided to department of revenue, when.
 190.286. Inapplicability to certain out-of-state businesses.
 285.230. Transient employers, defined, bonding requirements — exceptions — specific requirements — penalties — records to be kept, how — discontinuance in activity, notice to director of revenue — inapplicability to certain out-of-state businesses.
 285.232. Construction contractors, who are transient employers, proof and financial assurance required — list of contractors to be published — inapplicability to certain out-of-state businesses.
 285.233. Transient employers not filing financial assurance, escrow requirements — failure of political subdivision or private entity to escrow funds, penalties — transient employer not in compliance with law, writ of attachment or injunction authorized — inapplicability to certain out-of-state businesses and employees.
 285.234. Transient employer to post notice of registration for income tax withholding, workers' compensation and unemployment insurance, violation, penalty — inapplicability to certain out-of-state businesses.
 304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock or milk, total gross weight permitted — requirements during disasters.

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

SECTION A. ENACTING CLAUSE. — Sections 143.041, 143.071, 143.191, 144.610, 285.230, 285.232, 285.233, 285.234, and 304.180, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 143.041, 143.071, 143.191, 144.610, 190.270, 190.275, 190.280, 190.285, 190.286, 285.230, 285.232, 285.233, 285.234, and 304.180, to read as follows:

143.041. NONRESIDENT INDIVIDUAL — INAPPLICABLE TO OUT-OF-STATE BUSINESSES AND EMPLOYEES, WHEN. — **1.** A tax is hereby imposed for every taxable year on the income of every nonresident individual which is derived from sources within this state. The tax shall be that amount which bears the same ratio to the tax applicable to the individual if he would have been a resident as (A) his Missouri nonresident adjusted gross income as determined under section 143.181 (Missouri adjusted gross income derived from sources within this state) bears to (B) his Missouri adjusted gross income derived from all sources.

2. The provisions of this section shall not apply to out-of-state businesses or out-of-state employees operating under sections 190.270 to 190.285.

143.071. CORPORATIONS — INAPPLICABLE TO OUT-OF-STATE BUSINESSES, WHEN. —
 1. For all tax years beginning before September 1, 1993, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.

2. For all tax years beginning on or after September 1, 1993, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to six and one-fourth percent of Missouri taxable income.

3. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

143.191. EMPLOYER TO WITHHOLD TAX FROM WAGES — ARMED SERVICES, WITHHOLDING FROM WAGES OR RETIREMENT — FEDERAL CIVIL SERVICE RETIREMENT,

WITHHOLDING AUTHORIZED, WHEN — INAPPLICABLE TO OUT-OF-STATE BUSINESSES, WHEN.

— 1. Every employer maintaining an office or transacting any business within this state and making payment of any wages taxable under sections 143.011 to 143.998 to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period the amount provided in subsection 3 of this section.

2. The term "wages" referred to in subsection 1 of this section means wages as defined by section 3401(a) of the Internal Revenue Code of 1986, as amended. The term "employer" means any person, firm, corporation, association, fiduciary of any kind, or other type of organization for whom an individual performs service as an employee, except that if the person or organization for whom the individual performs service does not have control of the payment of compensation for such service, the term "employer" means the person having control of the payment of the compensation. The term includes the United States, this state, other states, and all agencies, instrumentalities, and subdivisions of any of them.

3. The method of determining the amount to be withheld shall be prescribed by regulations of the director of revenue. The prescribed table, percentages, or other method shall result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under sections 143.011 to 143.998 with respect to the amount of such wages included in his Missouri adjusted gross income during the calendar year.

4. For purposes of this section an employee shall be entitled to the same number of personal and dependency withholding exemptions as the number of exemptions to which he is entitled for federal income tax withholding purposes. An employer may rely upon the number of federal withholding exemptions claimed by the employee, except where the employee provides the employer with a form claiming a different number of withholding exemptions in this state.

5. The director of revenue may enter into agreements with the tax departments of other states (which require income tax to be withheld from the payment of wages) so as to govern the amounts to be withheld from the wages of residents of such states under this section. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under regulations prescribed by the director of revenue, may relieve employers in this state from withholding income tax on wages paid to nonresident employees. The agreements authorized by this subsection are subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

6. The director of revenue shall enter into agreements with the Secretary of the Treasury of the United States or with the appropriate secretaries of the respective branches of the Armed Forces of the United States for the withholding, as required by subsections 1 and 2 of this section, of income taxes due the state of Missouri on wages or other payments for service in the armed services of the United States or on payments received as retirement or retainer pay of any member or former member of the Armed Forces entitled to such pay.

7. Subject to appropriations for the purpose of implementing this section, the director of revenue shall comply with provisions of the laws of the United States as amended and the regulations promulgated thereto in order that all residents of this state receiving monthly retirement income as a civil service annuitant from the federal government taxable by this state may have withheld monthly from any such moneys, whether pension, annuities or otherwise, an amount for payment of state income taxes as required by state law, but such withholding shall not be less than twenty-five dollars per quarter.

8. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

144.610. TAX IMPOSED, PROPERTY SUBJECT, EXCLUSIONS, WHO LIABLE — INAPPLICABLE TO OUT-OF-STATE BUSINESSES AND EMPLOYEES, WHEN. — 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats,

and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property subject to the tax in subsection 1 of this section is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

4. The provisions of this section shall not apply to out-of-state businesses or out-of-state employees operating under sections 190.270 to 190.285.

190.270. CITATION OF LAW. — Sections 190.270 to 190.285 shall be known and may be cited as the "Facilitating Business Rapid Response to State Declared Disasters Act".

190.275. DEFINITIONS. — As used in sections 190.270 to 190.285, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Declared state disaster" or "emergency", a disaster or emergency event for which a governor's state of emergency proclamation has been issued or that the President of the United States has declared to be a major disaster or emergency;

(2) "Disaster period", the period of time that begins ten days before the governor's proclamation of a state of emergency or the declaration by the President of the United States of a major disaster or emergency, whichever occurs first, and extending for a period of sixty calendar days following the end of the period specified in the proclamation or declaration or sixty calendar days from the proclamation or declaration if no end is provided. The governor may extend the disaster period as warranted;

(3) "Infrastructure", property and equipment owned or used by a public utility, communications network, broadband and internet service provider, cable and video service provider, gas distribution system, or water pipeline that provides service to more than one customer or person, including related support facilities. Infrastructure includes real and personal property such as buildings, offices, power lines, cable lines, poles, communication lines, pipes, structures, and equipment; and

(4) "Out-of-state business", a business entity:
(a) That does not have a presence in the state;
(b) That does not conduct business in the state;
(c) That has no registrations, tax filings, or nexus in the state before the declared disaster or emergency; and

(d) Whose assistance in repairing, renovating, installing, or building infrastructure related to a declared state disaster or emergency is requested by the state, a county, city, town, or other political subdivision of the state or a registered business that owns or uses infrastructure as defined in this section.

Out-of-state business includes a business entity that is affiliated with a registered business solely through common ownership as long as that business entity does not have any registrations, tax filings, or nexus in the state before the declared state disaster or emergency. For purposes of this section, a prior registration as an out-of-state business for a declared disaster or emergency shall not be considered a registration in this state.

(5) "Out-of-state employee", an individual who does not work in the state except for disaster or emergency related work during a disaster period;

(6) "Registered business", a business entity that is registered or licensed to do business in the state before the declared state disaster or emergency.

190.280. OUT-OF-STATE BUSINESSES NOT SUBJECT TO CERTAIN STATE OR LOCAL REQUIREMENTS — OUT-OF-STATE EMPLOYEE NOT A RESIDENT FOR TAX PURPOSES — LIMITATIONS. — 1. An out-of-state business that conducts operations within the state for purposes of assisting in repairing, renovating, installing, or building infrastructure related to a declared state disaster or emergency during the disaster period shall not be considered to have established a level of presence that would subject the business or any of its out-of-state employees to any of the following state or local employment, licensing, or registration requirements:

(1) Except as set forth in section 190.285, registration with the secretary of state;

(2) Withholding or income tax registration, filing, or remitting requirements; and

(3) Use tax on equipment used or consumed during the disaster period if such equipment does not remain in the state after the disaster period.

2. An out-of-state employee shall not be considered to have established residency or a presence in the state that would require that person or that person's employer to file and pay income taxes, to be subjected to tax withholdings, or to file and pay any other state or local income or withholding tax or fee for work repairing, renovating, installing, or building infrastructure during the disaster period.

3. After the conclusion of a disaster period, an out-of-state business or out-of-state employee that remains in the state is fully subject to the state or local employment, licensing, or registration requirements listed in this section or that were otherwise suspended under sections 190.270 to 190.285 during the disaster period.

190.285. NOTIFICATION TO SECRETARY OF STATE BY OUT-OF-STATE BUSINESS REQUIRED, WHEN, CONTENT — INFORMATION PROVIDED TO DEPARTMENT OF REVENUE, WHEN. — 1. An out-of-state business shall provide notification to the secretary of state within ten days after entry to the state during a disaster period that the out-of-state business is in the state for purposes of responding to the declared state disaster or emergency. The out-of-state business shall provide to the secretary of state information related to the out-of-state business including, but not limited to, the following:

(1) Name;

(2) State of domicile;

(3) Principal business address;

(4) Federal employer identification number;

(5) The date when the out-of-state business entered the state; and

(6) Contact information while the out-of-state business is in this state.

2. A registered business shall provide the notification required in subsection 1 of this section for an affiliate of the registered business that enters the state as an out-of-state business. The notification under this subsection also must include contact information for the registered business in the state.

3. An out-of-state business that remains in the state after a disaster period shall notify the secretary of state within ten days after the end of the disaster period and shall meet all registration, licensing, and filing requirements resulting from any business presence or activity in the state.

4. The secretary of state shall provide information received from out-of-state businesses or registered businesses under this section to the department of revenue within thirty days after receipt of notification.

190.286. INAPPLICABILITY TO CERTAIN OUT-OF-STATE BUSINESSES.— The provisions of sections 190.270 to 190.285 shall not grant exemptions authorized by the facilitating business rapid response to state declared disasters act to any out of state business performing work pursuant to a request for bid or request for proposal by a state agency or political subdivision.

285.230. TRANSIENT EMPLOYERS, DEFINED, BONDING REQUIREMENTS — EXCEPTIONS — SPECIFIC REQUIREMENTS — PENALTIES — RECORDS TO BE KEPT, HOW — DISCONTINUANCE IN ACTIVITY, NOTICE TO DIRECTOR OF REVENUE — INAPPLICABILITY TO CERTAIN OUT-OF-STATE BUSINESSES. — 1. As used in this section, "transient employer" means an employer as defined in sections 143.191, 287.030, and 288.032 making payment of wages taxable under chapters 143, 287, and 288 who is not domiciled in this state and who temporarily transacts any business within the state, but shall not include any employer who is not subject to Missouri income tax because of the provisions of 15 U.S.C. 381. The transaction of business shall be considered temporary at any time it cannot be reasonably expected to continue for a period of twenty-four consecutive months. Professional athletic teams and professional entertainers domiciled in a state other than Missouri shall be deemed a "transient employer" for the purposes of this section, unless the person or entity who pays compensation to the nonresident entertainer has fully complied with the provisions of section 143.183 in which case the nonresident entertainer shall not be considered a transient employer.

2. Employers meeting the following criteria shall not be required to file a financial assurance instrument as required by this section:

(1) The principal place of business of the employer must be in a county of another state which is contiguous to the state of Missouri; and

(2) The employer must have been under contract to perform work in Missouri for at least sixty days cumulatively out of twelve months during each of the two calendar years immediately preceding the employer's initial application for exemption from the provisions of this section; and

(3) The employer must have in his possession a tax clearance from the department of revenue and the division of employment security stating that the employer has faithfully complied with the tax laws of this state during the period set out in subdivision (2) of this subsection.

Within ninety days of August 13, 1988, such employers must obtain initial tax clearances in accordance with subdivision (3) of this subsection. Any tax clearance issued under the provisions of this section by the division of employment security shall be submitted to the department of revenue. On or before January thirty-first of each year, except January thirty-first following the year during which the employer first meets these criteria, the employer shall submit application to the department of revenue and division of employment security for a renewed tax clearance. Failure to submit such renewal applications or failure to comply with applicable Missouri taxing and employment security laws during the period between annual renewal dates or removal of the employer's principal place of business from a county in another state which is contiguous to Missouri to a state other than Missouri shall immediately subject the employer to all provisions of this section. An employer meeting the requirements of this subsection shall still be subject to the provisions of subsection 5 of this section.

3. Every transient employer shall file with the director of revenue a financial assurance instrument including, but not limited to, a cash bond, a surety bond, or an irrevocable letter of credit as defined in section 400.5-103 issued by any state or federal financial institution. The financial assurance instrument shall be in an amount not less than the average estimated quarterly

withholding tax liability of the applicant, but in no case less than five thousand dollars nor more than twenty-five thousand dollars. Any corporate surety shall be licensed to do such business in this state and approved by the director of revenue to act as a surety. The transient employer shall be the principal obligor and the state of Missouri shall be the obligee. The financial assurance instrument shall be conditioned upon the prompt filing of true reports and the payment by such employer to the director of revenue of any and all withholding taxes which are now or which hereafter may be levied or imposed by the state of Missouri, upon the employer, together with any and all penalties and interest thereon, and generally upon the faithful compliance with the provisions of chapters 143, 287, and 288.

4. Any transient employer who is already otherwise required to file a financial assurance instrument as a condition of any contract, provided said financial assurance instrument guarantees payment of all applicable state taxes and all withholding taxes levied or imposed by the state and provided that such financial assurance instrument is delivered by certified mail to the department of revenue by the applicable awarding entity at least fourteen days before the execution of the contract for the performance of work, may use the same financial assurance instrument to comply with the provisions of this section. Before such financial assurance instrument is approved by the awarding entity, the director of revenue shall be satisfied that such financial assurance instrument is sufficient to cover all taxes imposed by this state and the director shall so notify the awarding entity of the decision within the fourteen days prior to the execution of the contract. Failure to do so by the director shall waive any right to disapprove such financial assurance instrument. Before a financial assurance instrument is released by the entity awarding the contract, a tax clearance shall be obtained from the director of revenue that such transient employer has faithfully complied with all the tax laws of this state.

5. Every transient employer shall certify to the director of revenue that such employer has sufficient workers' compensation insurance either through a self-insurance program or a policy of workers' compensation insurance issued by an approved workers' compensation carrier. The self-insurance program shall be approved by the division of workers' compensation pursuant to section 287.280. The insurance policy shall be in a contract form approved by the department of insurance, financial institutions and professional registration.

6. In the event that liability upon the financial assurance instrument thus filed by the transient employer shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the director of revenue any surety on a bond theretofore given or financial institution shall have become unsatisfactory or unacceptable, then the director of revenue may require the employer to file a new financial assurance instrument in the same form and amount. If such new financial assurance instrument shall be furnished by such employer as above provided, the director of revenue shall upon satisfaction of any liability that has accrued, release the surety on the old bond or financial institution issuing the irrevocable letter of credit.

7. Any surety on any bond or financial institution issuing an irrevocable letter of credit furnished by any transient employer as provided in this section shall be released and discharged from any and all liability to the state of Missouri accruing on such bond or irrevocable letter of credit after the expiration of sixty days from the date upon which such surety or financial institution shall have lodged with the director of revenue a written request to be released and discharged; but the request shall not operate to relieve, release or discharge such surety or financial institution from any liability already accrued or which shall accrue during and before the expiration of said sixty-day period. The director of revenue shall promptly on receipt of notice of such request notify the employer who furnished such bond or irrevocable letter of credit and such employer shall on or before the expiration of such sixty-day period file with the director of revenue a new financial assurance instrument satisfactory to the director of revenue in the amount and form provided in this section.

8. Notwithstanding the limitation as to the amount of any financial assurance instrument fixed by this section, if a transient employer becomes delinquent in the payment of any tax or

tenders a check in payment of tax which check is returned unpaid because of insufficient funds, the director may demand an additional instrument of such employer in an amount necessary, in the judgment of the director, to protect the revenue of the state. The penal sum of the additional instrument and the instrument furnished under the provisions of the law requiring such instrument may not exceed two quarters' estimated tax liability.

9. For any period when a transient employer fails to meet the requirements of this section, there shall be added to any deficiency assessed against a transient employer, in addition to any other addition, interest, and penalties, an amount equal to twenty-five percent of the deficiency.

10. A taxpayer commits the crime of failure to file a financial assurance instrument if he knowingly fails to comply with the provisions of this section.

11. Failure to file a financial assurance instrument is a class A misdemeanor. Pursuant to section 560.021, a corporation found guilty of failing to file a financial assurance instrument may be fined up to five thousand dollars or any higher amount not exceeding twice the amount the employer profited from the commission of the offense.

12. Failing to register with the department of revenue and execute the financial assurance instrument herein provided, prior to beginning the performance of any contract, shall prohibit the employer from performing on such contract until he complies with such requirements.

13. Each employer shall keep full and accurate records clearly indicating the names, occupations, and crafts, if applicable, of every person employed by him together with an accurate record of the number of hours worked by each employee and the actual wages paid. The payroll records required to be so kept shall be open to inspection by any authorized representative of the department of revenue at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for a period of one year following the completion of the contract in connection with which the records are made.

14. The entering into of any contract for the performance of work in the state of Missouri by any such employer shall be deemed to constitute an appointment of the secretary of state as registered agent of such employer for purposes of accepting service of any process, or of any notice or demand required or permitted by law. The service of any such process, notice or demand, when served on the secretary of state shall have the same legal force and validity as if served upon the employer personally within the state.

15. In addition, any employer who fails to file a financial assurance instrument as required by this section shall be prohibited from contracting for or performing labor on any public works project in this state for a period of one year.

16. Whenever a transient employer ceases to engage in activity within the state it shall be the duty of such transient employer to notify the director of revenue in writing at least ten days prior to the time the discontinuance takes effect.

17. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

285.232. CONSTRUCTION CONTRACTORS, WHO ARE TRANSIENT EMPLOYERS, PROOF AND FINANCIAL ASSURANCE REQUIRED — LIST OF CONTRACTORS TO BE PUBLISHED — INAPPLICABILITY TO CERTAIN OUT-OF-STATE BUSINESSES. — 1. Subject to the provisions of section 285.230, any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by section 285.230 before such entity issues a building permit to the transient employer. If any transient employer obtains a building permit without providing such proof, provides a fraudulently obtained tax clearance or a fraudulent financial assurance instrument or through any misrepresentation or any other fraudulent act or in any way violates the provisions of sections 285.230 to 285.234, the Missouri department of revenue shall request a temporary restraining order or seek injunctive relief to immediately prohibit further performance of work by the transient employer on such contract or project. The court may direct

that any payments due such transient employer be equitably distributed in satisfaction of the transient employer's obligations pursuant to sections 285.230 to 285.234. Upon issuance of such order by a court of competent jurisdiction, the person for whom the work is being performed may engage another contractor as provided by law or any provision of contract and the person shall not be deemed to be in violation of the contract with such transient employer removed by the court. Nothing in this section shall be construed to create or constitute a liability to or a cause of action against a city or county in regard to the issuance of any license pursuant to this section.

2. Any contractor for private or public construction work in this state which contracts with or otherwise engages a subcontractor, which is deemed a transient employer as defined in section 285.230, to perform any portion of such work, shall require such subcontractor to show proof of having filed a financial assurance instrument with the director of revenue as required by section 285.230 and to show proof that the subcontractor holds a current valid certificate of insurance for workers' compensation coverage in this state, prior to the subcontractor performing any work on the project. If the subcontractor is self-insured for purposes of workers' compensation, the contractor shall require proof that such self-insurance by the subcontractor has been approved by the division of workers' compensation. The contractor shall not allow the subcontractor to perform on such contract until proof of compliance as required by this section has been provided to the contractor. If a subcontractor which is deemed to be a transient employer has previously submitted proof of compliance as required by this section to a state agency or political subdivision for which the contract is being performed as a condition of being qualified to perform work for such agency or political subdivision, the general contractor shall not be required to obtain the proofs required by this section. If at any time prior to final payment to a subcontractor for work performed on a project, a contractor is notified in writing by the director of revenue or the director of the division of workers' compensation that a subcontractor is in violation of sections 285.230 to 285.234, the contractor shall withhold all or part of any payment to the subcontractor under the contract for payment in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer shall be deemed in compliance with the contract with the subcontractor to the extent of the amount paid to fulfill such obligation and with the laws of this state regarding timely payment under construction contracts and shall not be subject to any civil or criminal penalty for withholding such payment.

3. Notwithstanding the provision of section 32.057, the Missouri department of revenue shall at least quarterly submit for publication in the Missouri Register a list of construction contractors performing work on construction projects in Missouri who are known by the department to be deemed transient employers pursuant to section 285.230. The department shall also update such list monthly and make such list available upon request without cost to any person.

4. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

285.233. TRANSIENT EMPLOYERS NOT FILING FINANCIAL ASSURANCE, ESCROW REQUIREMENTS — FAILURE OF POLITICAL SUBDIVISION OR PRIVATE ENTITY TO ESCROW FUNDS, PENALTIES — TRANSIENT EMPLOYER NOT IN COMPLIANCE WITH LAW, WRIT OF ATTACHMENT OR INJUNCTION AUTHORIZED — INAPPLICABILITY TO CERTAIN OUT-OF-STATE BUSINESSES AND EMPLOYEES. — 1. Any transient employer, as defined in this chapter, failing to conclusively show at any time that he has complied with the provisions of section 285.230, relating to the filing of a financial assurance instrument, shall, before beginning performance on any contract made with a political subdivision, deposit with that political

subdivision an amount equal to twenty percent of labor costs as specified in such contract which will be held in escrow by the political subdivision and payable only to the department of revenue, the division of employment security or the division of workers' compensation after the actual amount of tax liability is determined. In the event that labor costs are not separately stated in the contract, the amount to be held in escrow shall be ten percent of the contract amount. Any amount remaining in the escrow fund after payments are made shall be refunded to the contractor. Failure of a political subdivision to properly escrow funds required under this section will make it ineligible to receive state funds for public works projects for a period of one year from the date the infraction is discovered.

2. Any transient employer failing to conclusively show at any time that he has complied with the provisions of section 285.230, relating to the filing of a financial assurance instrument, shall, before beginning performance on any contract made with a private entity deposit with that private entity an amount equal to twenty percent of labor costs as specified in such contract which will be held in escrow by the private entity and payable only to the department of revenue, the division of employment security or the division of workers' compensation after the actual amount of tax liability is determined. In the event that labor costs are not separately stated in the contract, the amount to be held in escrow shall be ten percent of the contract amount. Any amount remaining in the escrow fund after payments are made shall be refunded to the contractor. Failure of a private entity to properly escrow funds required under this section shall make such entity liable for the full amount of the state withholding, workers' compensation, and employment security tax liability resulting from the transient employers' contract with that private entity.

3. In addition to any other penalty, interest, or remedy imposed by this section, any transient employer that fails to post a financial assurance instrument or escrow funds as provided for in this section shall be subject to a writ of attachment as provided for in chapter 521 or any other injunctive relief provided for by law.

4. The provisions of this section shall not apply to out-of-state businesses or out-of-state employees operating under sections 190.270 to 190.285.

285.234. TRANSIENT EMPLOYER TO POST NOTICE OF REGISTRATION FOR INCOME TAX WITHHOLDING, WORKERS' COMPENSATION AND UNEMPLOYMENT INSURANCE, VIOLATION, PENALTY—INAPPLICABILITY TO CERTAIN OUT-OF-STATE BUSINESSES. — 1. Every transient employer, as defined in section 285.230 shall post in a prominent and easily accessible place at the work site a clearly legible copy of the following:

(1) The notice of registration for employer withholding issued to such transient employer by the director of revenue;

(2) Proof of coverage for workers' compensation insurance or self-insurance signed by the transient employer and verified by the department of revenue through the records of the division of workers' compensation; and

(3) The notice of registration for unemployment insurance issued to such transient employer by the division of employment security.

2. Any transient employer failing to comply with the provisions of this section shall be liable for a penalty of five hundred dollars per day until the notices required by this section are posted as provided by this section.

3. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

304.180. REGULATIONS AS TO WEIGHT—AXLE LOAD, TANDEM AXLE DEFINED—IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT—HAULING LIVESTOCK OR MILK, TOTAL GROSS WEIGHT PERMITTED—REQUIREMENTS DURING DISASTERS. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle,

no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise		Maximum load in pounds				
feet	2 axles	3 axles	4 axles	5 axles	6 axles	
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
More than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11	40,000	44,000				
12	40,000	45,000	50,000			
13	40,000	45,500	50,500			
14	40,000	46,500	51,500			
15	40,000	47,000	52,000			
16	40,000	48,000	52,500	58,000		
17	40,000	48,500	53,500	58,500		
18	40,000	49,500	54,000	59,000		
19	40,000	50,000	54,500	60,000		
20	40,000	51,000	55,500	60,500	66,000	
21	40,000	51,500	56,000	61,000	66,500	
22	40,000	52,500	56,500	61,500	67,000	
23	40,000	53,000	57,500	62,500	68,000	
24	40,000	54,000	58,000	63,000	68,500	
25	40,000	54,500	58,500	63,500	69,000	
26	40,000	55,500	59,500	64,000	69,500	
27	40,000	56,000	60,000	65,000	70,000	
28	40,000	57,000	60,500	65,500	71,000	
29	40,000	57,500	61,500	66,000	71,500	
30	40,000	58,500	62,000	66,500	72,000	
31	40,000	59,000	62,500	67,500	72,500	
32	40,000	60,000	63,500	68,000	73,000	
33	40,000	60,000	64,000	68,500	74,000	
34	40,000	60,000	64,500	69,000	74,500	
35	40,000	60,000	65,500	70,000	75,000	
36		60,000	66,000	70,500	75,500	
37		60,000	66,500	71,000	76,000	
38		60,000	67,500	72,000	77,000	
39		60,000	68,000	72,500	77,500	
40		60,000	68,500	73,000	78,000	
41		60,000	69,500	73,500	78,500	
42		60,000	70,000	74,000	79,000	
43		60,000	70,500	75,000	80,000	
44		60,000	71,500	75,500	80,000	
45		60,000	72,000	76,000	80,000	

46	60,000	72,500	76,500	80,000
47	60,000	73,500	77,500	80,000
48	60,000	74,000	78,000	80,000
49	60,000	74,500	78,500	80,000
50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9 and 10 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The

provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the department of transportation shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The department of transportation shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

Approved July 3, 2014

HB 1201 [SCS HCS HB 1201]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding surface mining operations

AN ACT to repeal sections 444.772 and 444.773, RSMo, and to enact in lieu thereof two new sections relating to surface mining.

SECTION

A. Enacting clause.

444.772. Permit — application, contents, fees — amendment, how made — successor operator, duties of — fees expire, when.

444.773. Director to investigate applications — decision to issue or deny — denial of permit, appeal, procedure — commission to make recommendation, issue decision.

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

SECTION A. ENACTING CLAUSE. — Sections 444.772 and 444.773, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 444.772 and 444.773, to read as follows:

444.772. PERMIT — APPLICATION, CONTENTS, FEES — AMENDMENT, HOW MADE — SUCCESSOR OPERATOR, DUTIES OF — FEES EXPIRE, WHEN. — 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

- (1) The name of all persons with any interest in the land to be mined;
- (2) The source of the applicant's legal right to mine the land affected by the permit;
- (3) The permanent and temporary post office address of the applicant;
- (4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;
- (5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;
- (6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and
- (7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the

operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners [of contiguous real property or real property located adjacent to the proposed mine plan area] **whose property is:**

(1) Within two thousand six hundred forty feet, or one-half mile from the border of the proposed mine plan area; and

(2) Adjacent to the proposed mine plan area, land upon which the mine plan area is located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located.

The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the [commission] **director** may consider in issuing a permit may request a public meeting[, a public hearing] or file written comments to the director no later than fifteen days following the final public notice publication date. **If any person requests a public meeting, the applicant shall cooperate with the director in making all necessary**

arrangements for the public meeting to be held in a reasonably convenient location and at a reasonable time for interested participants, and the applicant shall bear the expenses.

11. The [commission] **director** may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, 2018. No other provisions of this section shall expire.

444.773. DIRECTOR TO INVESTIGATE APPLICATIONS — DECISION TO ISSUE OR DENY — DENIAL OF PERMIT, APPEAL, PROCEDURE — COMMISSION TO MAKE RECOMMENDATION, ISSUE DECISION. — 1. All applications for a permit shall be filed with the director, who shall promptly investigate the application and make a [recommendation to the commission] **decision**

within [four] **six** weeks after **completion of the [public notice period] process** provided in **subsection 10** of section 444.772 [expires as to whether] **to issue or deny** the permit [should be issued or denied]. If the director determines that the application has not fully complied with the provisions of section 444.772 or any rule or regulation promulgated pursuant to that section, the director [shall recommend denial of] **may seek additional information from the applicant before making a decision to issue or deny** the permit. The director shall consider any [written] **public** comments when making [his or her recommendation to the commission on the issuance or denial of] **the decision to issue or deny** the permit. **In issuing a permit, the director may impose reasonable conditions consistent with the provisions of sections 444.760 to 444.790.**

2. [If the recommendation of the director is to deny the permit, a hearing as provided in sections 444.760 to 444.790, if requested by the applicant within fifteen days of the date of notice of recommendation of the director, shall be held by the commission.

3. If the recommendation of the director is for issuance of the permit, the director shall issue the permit without a public meeting or a hearing except that upon petition, received prior to the date of the notice of recommendation, from any person whose health, safety or livelihood will be unduly impaired by the issuance of this permit, a public meeting or a hearing may be held. If a public meeting is requested pursuant to this chapter and the applicant agrees, the director shall, within thirty days after the time for such request has passed, order that a public meeting be held. The meeting shall be held in a reasonably convenient location for all interested parties. The applicant shall cooperate with the director in making all necessary arrangements for the public meeting. Within thirty days after the close of the public meeting, the director shall recommend to the commission approval or denial of the permit. If the public meeting does not resolve the concerns expressed by the public, any person whose health, safety or livelihood will be unduly impaired by the issuance of such permit may make a written request to the land reclamation commission for a formal public hearing. The land reclamation commission may grant a public hearing to formally resolve concerns of the public. Any public hearing before the commission shall address one or more of the factors set forth in this section.] **The director's decision shall be deemed to be the decision of the director of the department of natural resources and shall be subject to appeal to the administrative hearing commission as provided by sections 640.013 and 621.250.**

[4. In any public hearing, if] **3. For purposes of an appeal, the administrative hearing commission [finds] may consider**, based on competent and substantial scientific evidence on the record, [that] **whether** an interested party's health, safety or livelihood will be unduly impaired by the issuance of the permit[, the commission may deny such permit]. [If] **The administrative hearing commission [finds] may also consider**, based on competent and substantial scientific evidence on the record, [that] **whether** the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern

of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance], the commission may deny such permit]. In determining whether a reasonable likelihood of noncompliance will exist in the future, the **administrative hearing** commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner or the **administrative hearing** commission demonstrates either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the **administrative hearing** commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. [Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in chapter 536. No judicial review shall be available, however, until and unless all administrative remedies are exhausted.] **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall make a recommendation to the commission on permit issuance or denial.**

4. The commission shall issue its own decision, based on the appeal, for permit issuance or denial. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

Approved June 20, 2014

HB 1206 [HB 1206]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Removes the expiration date on the authority of certain public higher education institutions to transfer real property, except in fee simple, without General Assembly authorization

AN ACT to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by the governing bodies of certain public institutions of higher education, with an emergency clause.

SECTION

- A. Enacting clause.
- 37.005. Powers and duties, generally.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 37.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.005, to read as follows:

37.005. POWERS AND DUTIES, GENERALLY. — 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the chief of the planning and construction division.

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of 1974.

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

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

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

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

8. The commissioner of administration is hereby authorized to coordinate and control the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP) in the executive branch of state government. For this purpose, the office of administration will have authority to:

(1) Develop and implement a long-range computer facilities plan for the use of EDP and ADP in Missouri state government. Such plan may cover, but is not limited to, operational standards, standards for the establishment, function and management of service centers, coordination of the data processing education, and planning standards for application development and implementation;

(2) Approve all additions and deletions of EDP and ADP hardware, software, and support services, and service centers;

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

(4) Review of all state EDP and ADP applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for EDP and ADP hardware, software, and support service;

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

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers. The commissioner shall maintain a complete inventory of all state-owned or -leased EDP and ADP equipment, and annually submit a report to the general assembly which shall include starting and ending EDP and ADP costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

9. Except as provided in subsection 12 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement to any rural electric cooperative as defined in chapter 394, municipal corporation, quasi-governmental corporation owning or operating a public utility, or a public utility, except railroads, as defined in chapter 386. The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any rural electric cooperative, as governed in chapter 394, municipal corporation, or quasi-governmental corporation owning or operating a public utility, or a public utility, except railroad, as defined in chapter 386. The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of ingress or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386 shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration

as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

10. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

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

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

13. Notwithstanding any provision of subsection 12 of this section to the contrary, the board of governors of Missouri Western State University, University of Central Missouri, Missouri State University, or Missouri Southern State University, or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University, or the board of curators of Lincoln University may convey or otherwise transfer for fair market value, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly. [The provisions of this subsection shall expire August 28, 2017.]

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

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

SECTION B. EMERGENCY CLAUSE. — Because of the importance of allowing higher education institutions to provide responses to potential property lessors in a timely manner, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved July 9, 2014

HB 1217 [SCS HCS HB 1217]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies certain unlawful transfers or assignments of pension benefits

AN ACT to amend chapters 105 and 434, RSMo, by adding thereto six new sections relating to public employee retirement plan benefits.

SECTION

- A. Enacting clause.
- 105.669. Felony conviction, ineligible for benefits, when — procedure, court to notify — list of offenses.
- 434.300. Definitions.
- 434.301. Transfer or assignment of rights prohibited — moneys and rights not subject to legal process — pension assignee prohibited from evading prohibitions.
- 434.302. Contract or agreement void, when — moneys paid to be returned for violation — action to enforce restitution, time limitation.
- 434.303. Attorney general may bring action, when — recovery procedures.
- 434.304. Actions under chapter 409 not prohibited.

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

SECTION A. ENACTING CLAUSE. — Chapters 105 and 434, RSMo, are amended by adding thereto six new sections, to be known as sections 105.669, 434.300, 434.301, 434.302, 434.303, and 434.304 to read as follows:

105.669. FELONY CONVICTION, INELIGIBLE FOR BENEFITS, WHEN — PROCEDURE, COURT TO NOTIFY — LIST OF OFFENSES. — 1. Any participant of a plan who is found guilty of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after the effective date of this section, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after the effective date of this section, except a participant may still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.

2. Upon a finding of guilt, the court shall forward a notice of the court's finding to the appropriate retirement system in which the offender was a participant. The court shall also make a determination on the value of the money, property, or services involved in committing the offense. The plans shall take all actions necessary to implement the provisions of this section.

3. The finding of guilt for any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:

- (1) The offense of felony stealing under section 570.030 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court;
- (2) The offense of felony receiving stolen property under section 570.080 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court;
- (3) The offense of forgery under section 570.090;
- (4) The offense of felony counterfeiting under section 570.103;
- (5) The offense of bribery of a public servant under section 576.010; or
- (6) The offense of acceding to corruption under section 576.020.

434.300. DEFINITIONS. — For purposes of sections 434.300 to 434.303, the following terms shall mean:

(1) "Benefit recipient", the person who is the plan participant or authorized beneficiary under the plan entitled to receive a plan benefit;

(2) "Pension assignee", an individual or entity that has been assigned a plan benefit or portions of a plan benefit by the benefit recipient or that otherwise claims an interest in, or control over, a plan benefit or account to which a plan benefit has been deposited. The term "pension assignee" shall not include an individual who is a designated payee under a division of benefits order;

(3) "Plan", any retirement system established by the state of Missouri, any political subdivision, or instrumentality of the state for the purpose of providing plan benefits for elected or appointed public officials or employees of the state of Missouri, any political subdivision, or instrumentality of the state;

(4) "Plan benefit", the benefit amount payable from a plan, and includes any annuity, supplemental payment, or death benefit under the plan together with any supplemental payments from public funds to the benefit recipient.

434.301. TRANSFER OR ASSIGNMENT OF RIGHTS PROHIBITED — MONEYS AND RIGHTS NOT SUBJECT TO LEGAL PROCESS — PENSION ASSIGNEE PROHIBITED FROM EVADING PROHIBITIONS. — 1. The right of any person to a plan benefit shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under a plan shall be subject to execution, levy, attachment, garnishment, or other legal process. This section shall not prohibit the division or assignability of a plan benefit that is expressly authorized by law that establishes the plan or that is specifically applicable to the plan, including division of benefits orders and any legal process in furtherance of the collection of either a judgment or administrative order for child support or spousal support.

2. A pension assignee shall not use any device, scheme, transfer, or other artifice to evade the applicability and prohibition of this section, including the deposit of such plan benefits into a joint account with a pension assignee or the authorization to a pension assignee under a power of attorney or other instrument or document to access an account or otherwise obtain funds from an account to which plan benefits have been deposited.

434.302. CONTRACT OR AGREEMENT VOID, WHEN — MONEYS PAID TO BE RETURNED FOR VIOLATION — ACTION TO ENFORCE RESTITUTION, TIME LIMITATION. — 1. Any contract or agreement made in violation of section 434.301 is void. All sums paid to or collected by a pension assignee in violation of section 434.301 shall be returned by the pension assignee to the benefit recipient or his or her heirs or beneficiaries as restitution.

2. Any benefit recipient, his or her guardian or conservator, or heir or beneficiary may bring an action to enforce the restitution authorized under this section.

3. Notwithstanding any other provision of law to the contrary, any actions brought under this section must be commenced within five years after any individual or entity engages in any act or practice in violation of 434.301.

434.303. ATTORNEY GENERAL MAY BRING ACTION, WHEN — RECOVERY PROCEDURES.

— 1. Whenever it appears that any individual or entity is engaged or is about to engage in any act or practice which is in violation of section 434.301, the attorney general may bring an action in the circuit court having venue to enjoin such act or practice, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

2. The attorney general may seek the recovery authorized under section 434.302 on behalf of the benefit recipient or his or her heirs or beneficiaries and the state, and may exercise the investigative and enforcement powers authorized under chapter 407 to the

attorney general and the attorney general may have such recovery of costs as authorized under chapter 407.

434.304. ACTIONS UNDER CHAPTER 409 NOT PROHIBITED. — Nothing in sections 434.301 to 434.303 shall prohibit any action permitted under chapter 409.

Approved July 8, 2014

HB 1218 [HCS HB 1218]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies the order of preference of liens and encumbrances on a unit owners of a leasehold condominium

AN ACT to repeal section 448.3-116, RSMo, and to enact in lieu thereof one new section relating to liens for assessments on condominiums.

SECTION

- A. Enacting clause.
448.3-116. Lien for assessments.

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

SECTION A. ENACTING CLAUSE. — Section 448.3-116, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 448.3-116, to read as follows:

448.3-116. LIEN FOR ASSESSMENTS. — 1. The association has a lien on a unit for any assessment levied against that unit or fines imposed against its unit owner from the time the assessment or fine becomes due. The association's lien may be foreclosed in like manner as a mortgage on real estate or a power of sale pursuant to chapter 443. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to subdivisions (10), (11), and (12) of subsection 1 of section 448.3-102 are enforceable as assessments pursuant to this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien pursuant to this section is prior to all other liens and encumbrances on a unit except:

- (1) Liens and encumbrances recorded before the recordation of the declaration;
- (2) [A] **Any mortgage or deed of trust securing a purchase money loan for the unit recorded prior to August 28, 2014;**

- (3) **Any mortgage [and] or deed of trust [for the purchase of] on a unit recorded before the date on which the assessment sought to be enforced became [delinquent] due except that a lien under this section has limited priority over the mortgage or deed of trust for common expense assessments in an amount not to exceed six months of the delinquent common expense assessments based on the periodic budget adopted by the association under subsection 1 of section 448.3-115 which would have become due in the absence of acceleration during the six months immediately preceding the date of filing of a petition to enforce the association's lien or the date of sale by the holder of a mortgage or deed of trust;**

- [(3)] (4) Liens for real estate taxes and other governmental assessments or charges against the unit;

[(4) Except for delinquent assessments or fines, up to a maximum of six months' assessments or fines, which are due prior to any subsequent refinancing of a unit or for any subsequent second mortgage interest.]

(5) If the association forecloses its lien under this section in a non-judicial manner under chapter 443, the association shall not be entitled to the limited lien priority for common expense assessments provided under subdivision (3) of subsection 2 of this section;

(6) This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association. The lien pursuant to this section is not subject to the provisions of section 513.475.

3. Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment pursuant to this section is required.

5. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within three years after the full amount of the assessments becomes due.

6. This section shall not prohibit actions to recover sums for which subsection 1 of this section creates a lien, or prohibit an association from taking a deed in lieu of foreclosure.

7. The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments. A judgment or decree in any action brought pursuant to this section shall include costs and reasonable attorney's fees for the prevailing party. **Attorneys' fees and costs shall not be included in the association's lien under subdivision (3) of subsection 2 of this section.**

8. The association shall furnish to a unit owner **or any holder of a mortgage or deed of trust**, upon written request, a recordable statement setting forth the amount of unpaid assessments against the unit owner's unit. The statement shall be furnished within ten business days after receipt of the request and is binding on the association, the executive board, and every unit owner **unless it is known by the recipient to be false.**

9. If a unit is occupied by a tenant and the record owner is delinquent in payment of assessments in excess of sixty days, the association may demand payment of subsequent rental payments until the record owner is no longer delinquent, the association releases the tenant, or the tenant is no longer in possession of the unit. The demand to the tenant shall be in writing, with a copy to the record owner, sent via first-class United States mail, postage pre-paid, or hand delivery. A tenant is immune from any claim by the record owner related to the rent timely paid to the association after the association has made written demand. If the tenant fails to make payment to the association, the association may issue notice and evict under chapter 534. The tenant does not, by virtue of payment, have any rights of a record owner to vote in an election or examine the books and records of the association.

Approved June 10, 2014

HB 1225 [SCS HCS HB 1225]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Modifies provisions relating to self-service storage facilities

AN ACT to repeal sections 415.400, 415.405, 415.410, 415.415, 415.417, 415.420, and 415.425, RSMo, and to enact in lieu thereof seven new sections relating to self-service storage facilities.

SECTION

- A. Enacting clause.
- 415.400. Title of act.
- 415.405. Definitions.
- 415.410. Leased space not to be used as residence — operator may enter space, when — occupant to furnish operator certain information — limitation on value of property in agreement, maximum liability amount.
- 415.415. Lien on stored property, when, notice regarding, priority of, how enforced and satisfied — sale of property, procedure, duties of operator, distribution of proceeds — redemption by occupant, when.
- 415.417. Late fee assessed, when, amount — recovery of expenses, when.
- 415.420. Purchaser in good faith, not subject to certain liens — operator, limited liability, right to deny occupant access, when — notices, how and where sent.
- 415.425. Care and control of stored property vested in occupant, exception.

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

SECTION A. ENACTING CLAUSE. — Sections 415.400, 415.405, 415.410, 415.415, 415.417, 415.420, and 415.425, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 415.400, 415.405, 415.410, 415.415, 415.417, 415.420, and 415.425, to read as follows:

415.400. TITLE OF ACT. — Sections 415.400 to [415.430] **415.425** shall be known and may be cited as the "Self-Service Storage Facilities Act".

415.405. DEFINITIONS. — As used in sections 415.400 to [415.430] **415.425**, the following terms shall mean:

(1) "Default", the failure to perform on time any obligation or duty set forth in a rental agreement;

(2) "**Electronic mail**", an electronic message or an executable program or computer file that contains an image of a message that is transmitted between two or more computers or electronic terminals and includes electronic messages that are transmitted within or between computer networks;

(3) "Last known address", that postal address or electronic mail address provided by the occupant in the latest rental agreement or the postal or electronic mail address provided by the occupant in a subsequent written notice of a change of address, **one of which may be designated in writing by the occupant as the preferred method of contact which shall be used by the operator**;

[3] (4) "Leased space", the individual storage space at the self-service facility which is rented to an occupant pursuant to a rental agreement;

[4] (5) "No commercial value", **includes but not limited to** any property offered for sale in a commercially reasonable manner that receives no bid or offer;

[5] (6) "Occupant", a person, lessee, sublessee, successor or assignee entitled to the use of a leased space at a self-service storage facility under a rental agreement;

[6] (7) "Operator", the owner, operator, lessor or sublessor of a self-service storage facility, or an agent or any other person authorized to manage the facility; except that, the term "operator" does not include a warehouseman, unless the operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored;

[7] (8) "Personal property", movable property which is not affixed to land, including, but not limited to, goods, wares, merchandise, motor vehicles, watercraft, household items, and furnishings;

[8] (9) "Private sale", [an unadvertised] a sale negotiated and concluded directly between the buyer and seller;

[9] (10) "Public sale", a sale made after public notice **and includes but is not limited to a sale at the self-service storage facility or a sale conducted online at a publically accessible website**;

~~[(10)]~~ **(11)** "Rental agreement", any written contract or agreement that establishes or modifies the terms, conditions or rules concerning the use and occupancy of a self-service storage facility, which is signed by the occupant and the operator;

~~[(11)]~~ **(12)** "Self-service storage facility", any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis;

(13) "Verified mail", any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

415.410. LEASED SPACE NOT TO BE USED AS RESIDENCE — OPERATOR MAY ENTER SPACE, WHEN — OCCUPANT TO FURNISH OPERATOR CERTAIN INFORMATION — LIMITATION ON VALUE OF PROPERTY IN AGREEMENT, MAXIMUM LIABILITY AMOUNT. — 1. An operator may not knowingly permit a leased space at a self-service storage facility to be used for residential purposes. An occupant may not use a leased space for residential purposes.

2. An operator may enter **the** leased space at all times which are reasonably necessary to insure the protection and preservation of the self-service storage facility or any personal property stored therein.

3. Prior to placing any personal property into his or her leased space, each occupant shall deliver a written statement to the operator **or indicate in the rental agreement** of such leased space containing the name and address of each person having a valid lien against such personal property **and the name and address of any third party owner of personal property stored or to be stored in the leased space along with a description of such personal property.**

4. The lessee shall be informed in writing that the lessor either does or does not have casualty insurance on the lessee's property.

5. If the rental agreement contains a limit on the value of property stored in occupant's space, such limit shall be deemed to be the maximum value of the stored property and the maximum liability of the owner for any claim for loss of or damage to stored property.

415.415. LIEN ON STORED PROPERTY, WHEN, NOTICE REGARDING, PRIORITY OF, HOW ENFORCED AND SATISFIED — SALE OF PROPERTY, PROCEDURE, DUTIES OF OPERATOR, DISTRIBUTION OF PROCEEDS — REDEMPTION BY OCCUPANT, WHEN. — 1. The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in sale of such personal property, as provided in sections 415.400 to ~~[415.430]~~ **415.425**. The lien established by this subsection shall have priority over all other liens except those liens that have been perfected and recorded on personal property. The rental agreement shall contain a statement, in bold type, advising the occupant of the existence of such lien and that property stored in the leased space may be sold to satisfy such lien if the occupant is in default, and that any proceeds from the sale of the property which remain after satisfaction of the lien will be paid to the state treasurer if unclaimed by the occupant within one year after the sale of the property.

2. If the occupant is in default for a period of more than ~~[thirty]~~ **forty-five** days, the operator may enforce the lien granted in subsection 1 of this section and sell the property stored in the leased space for cash. Sale of the property stored on the premises may be done at a public or private sale, may be done as a unit or in parcels, or may be by way of one or more contracts, and may be at any time or place and on any terms as long as the sale is done in a commercially reasonable manner in accordance with the provisions of section 400.9-627. The operator may otherwise dispose of any property which has no commercial value.

3. The proceeds of any sale made under this subsection shall be applied to satisfy the lien, with any surplus being held for delivery on demand to the occupant or any other lienholders which the operator knows of or which are contained in the statement filed by the occupant pursuant to subsection 3 of section 415.410 for a period of one year after receipt of proceeds of

the sale and satisfaction of the lien. No proceeds shall be paid to an occupant until such occupant files a sworn affidavit with the operator stating that there are no other valid liens outstanding against the property sold and that he or she, the occupant, shall indemnify the operator for any damages incurred or moneys paid by the operator due to claims arising from other lienholders of the property sold. After the one-year period set in this subsection, any proceeds remaining after satisfaction of the lien shall be considered abandoned property to be reported and paid to the state treasurer in accordance with laws pertaining to the disposition of unclaimed property.

4. Before conducting a sale under subsection 2 of this section, the operator shall:

(1) At least forty-five days before any disposition of property under this section, which shall run concurrently with subsection 2 of this section, notify the occupant and each lienholder which is contained in any statement filed by the occupant pursuant to subsection 3 of section 415.410 of the default by first-class mail **or electronic mail** at the occupant's or lienholder's last known address, **and shall notify any third party owner identified by the occupant pursuant to subsection 3 of section 415.410;**

(2) No [later] **sooner** than ten days after mailing the notice required in subdivision (1) of this subsection, mail a second notice of default, by [registered or certified] **verified mail or electronic mail**, to the occupant at the occupant's or lienholder's last known address, which notice shall include:

(a) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(b) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of release for sale and the date those additional charges shall become due;

(c) A demand for payment of the charges due within a specified time, not less than ten days after the date on which the second notice was mailed;

(d) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold after a specified time; and

(e) The name, street address and telephone number of the operator, or a designated agent whom the occupant may contact, to respond to the notice;

(3) At least seven days before the sale, advertise the time, place and terms of the sale in a newspaper of general circulation in the jurisdiction where the sale is to be held. Such advertisement shall be in the classified section of the newspaper and shall state that the items will be released for sale.

5. If the property is a vehicle, watercraft, or trailer and rent and other charges remain unpaid for sixty days, the owner may treat the vehicle, watercraft, or trailer as an abandoned vehicle and have the vehicle, watercraft, or trailer towed from the self-service storage facility. When the vehicle, watercraft, or trailer is towed from the self-service storage facility, the owner shall not be liable for the vehicle, watercraft, or trailer for any damages to the motor vehicle, watercraft, or trailer once the tower takes possession of the property.

[5.] **6.** At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.

415.417. LATE FEE ASSESSED, WHEN, AMOUNT —RECOVERY OF EXPENSES, WHEN. —

1. For the purposes of this section, "late fee" means a fee or charge assessed by an operator for an occupant's failure to pay rent when due. A late fee is not interest on a debt, nor is a late fee a reasonable expense which the operator may incur in the course of collecting unpaid rent in enforcing his or her lien rights pursuant to sections 415.400 to [415.430] **415.425**, or enforcing any other remedy provided by statute or contract.

2. Any late fee charged by the operator shall be stated in the rental agreement. No late fee shall be collected unless it is written in the rental agreement or an addendum to such agreement.

3. An operator may impose a reasonable late fee for each month an occupant does not pay rent when due.

4. A late fee of twenty dollars or twenty percent of the monthly rental amount, whichever is greater, for each late rental payment shall be deemed reasonable, and shall not constitute a penalty.

5. An operator may set a late fee other than that permitted in subsection 4 of this section if such fee is reasonable. The operator shall have the burden of proof that a higher late fee is reasonable.

6. The operator may recover all reasonable rent collection and lien enforcement expenses from the occupant in addition to any late fees incurred.

415.420. PURCHASER IN GOOD FAITH, NOT SUBJECT TO CERTAIN LIENS — OPERATOR, LIMITED LIABILITY, RIGHT TO DENY OCCUPANT ACCESS, WHEN — NOTICES, HOW AND WHERE SENT. — 1. A purchaser in good faith of any personal property sold under sections 415.400 to [415.430] **415.425** takes the property free and clear of any rights of any persons against whom the lien was valid and other lienholders.

2. If the operator complies with the provisions of sections 415.400 to [415.430] **415.425**, the operator's liability to the occupant shall be limited to the net proceeds received from the sale of the personal property, and to other lienholders shall be limited to the net proceeds received from the sale of any personal property covered by the other lien.

3. If an occupant is in default, the operator may deny the occupant access to the leased space.

4. Unless otherwise specifically provided in sections 415.400 to [415.430] **415.425**, all notices required by sections 415.400 to [415.430] **415.425** shall be sent by [registered or certified mail] **verified mail or electronic mail to the last known address as defined in section 415.400**. Notices sent to the operator shall be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant shall be sent to the occupant at the occupant's last known address. Notices shall be deemed delivered when deposited with the United States postal service, properly addressed as provided in subsection 4 of section 415.415, with postage prepaid **or sent via electronic mail to the last known address**.

415.425. CARE AND CONTROL OF STORED PROPERTY VESTED IN OCCUPANT, EXCEPTION. — Except as provided in subsection 3 of section 415.420, unless the rental agreement specifically provides otherwise and until a lien sale under sections 415.400 to [415.430] **415.425**, the exclusive care, custody and control of all personal property stored in the leased self-service storage space remains vested in the occupant.

Approved July 10, 2014

HB 1231 [CCS SS SCS HCS HB 1231]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding judicial procedures

AN ACT to repeal sections 56.807, 105.711, 302.065, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact

in lieu thereof forty-two new sections relating to the administration of justice, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 21.880. Joint committee established, members, meetings, duties, report — permanent subcommittee on the Missouri criminal code — staff assistance — compensation.
- 56.807. Local payments, amounts — prosecuting attorneys and circuit attorneys' retirement system fund created — donations may be accepted.
- 57.095. Service of process, immunity from liability for sheriffs and law enforcement officers, when.
- 105.711. Legal expense fund created — officers, employees, agencies, certain health care providers covered, procedure — rules regarding contract procedures and documentation of care — certain claims, limitations — funds not transferable to general revenue — rules.
- 302.065. Retention of copies of documents prohibited, when — destruction of certain source documents required — inapplicability — civil action authorized, when.
- 302.067. Lawful presence or citizenship, proof of to be presented once — exceptions.
- 334.950. Collaboration between providers and medical resource centers — definitions — recommendations — rulemaking authority, SAFE CARE providers.
- 408.040. Interest on judgments, how regulated — prejudgment interest allowed when, procedure.
- 452.556. Handbook, contents, availability.
- 454.500. Modification of an administrative order, procedure, effect — relief from orders, when.
- 455.007. Mootness doctrine, public interest exception to apply upon expiration of the order.
- 456.950. Definition — property and interests in property, how held — death of settlor, effect of — marital property rights, effect on.
- 456.4-420. No-contest clause, claims for relief.
- 474.395. No-contest clauses, application of, petition may be filed — definition.
- 477.160. Judges, eastern district court of appeals, number.
- 477.170. Judges, western district court of appeals, number.
- 477.180. Judges, southern district court of appeals, number.
- 478.320. Associate circuit judges, authorized number — population determination — election — restrictions on practice of law or paid public appointment — residency requirement.
- 478.437. Circuit No. 21, number of judges.
- 478.464. Associate circuit divisions numbered — divisions to sit, where — (Jackson County).
- 478.513. Circuit No. 31, number of judges, divisions — when judges elected.
- 478.600. Circuit No. 11, number of judges, divisions — when judges elected — drug commissioner to become associate circuit judge position.
- 478.610. Circuit No. 13, number of judges, divisions — when judges elected — additional associate circuit judge for Boone County, when.
- 478.740. Circuit No. 38, number of judges — number of divisions-election dates.
- 483.140. Judge to superintend keeping of records.
- 488.014. Overpayment of court costs, no duty to refund, when.
- 488.026. Surcharge for all criminal cases, amount — county ordinance defined — collection and deposit of funds.
- 488.305. Court costs — circuit clerk, duties — surcharge for garnishment cases (statutory liens).
- 488.2206. Circuit No. 37, additional surcharge for a county or municipal judicial facility.
- 488.2245. City of Florissant, additional surcharge for a municipal courthouse.
- 516.140. What actions within two years.
- 516.350. Judgments presumed to be paid, when — presumption, how rebutted — inclusion in the automated child support system — judgment for unpaid rent, revived by publication.
- 525.040. Effect of notice of garnishment — priority based on date of service.
- 525.070. Garnishee may discharge himself, how.
- 525.080. Garnishee to deliver property, or pay debts, or may give bond therefor.
- 525.230. Garnishee is a financial institution, one-time deduction permitted, when — procedure.
- 525.310. Compensation of state and municipal employees subject to garnishment, procedure.
- 537.602. Supervision of community service work, immunity from liability, when — definitions — community service work not deemed employment and worker not an employee.
- 574.160. Unlawful funeral protest, offense of — definitions — violation, penalty.
- 575.153. Disarming a peace officer or correctional officer — penalty.
- 632.520. Offender committing violence against an employee — definitions — penalty — damage of property, violation, penalty.
- 650.120. Grants to fund investigations of internet sex crimes against children — fund created — panel, membership, terms — local matching amounts — priorities — training standards — information sharing — panel recommendation — power of arrest — sunset provision.
- 476.445. Disability retirement of supreme court and court of appeals commissioners — hearing — compensation.
- 477.081. New commissioners prohibited — present commissioners reappointed, when.
- 477.082. Commissioners may be assigned as special judges.

- 477.152. Vacancy in office of commissioner, procedure to be followed.
- 477.181. Additional judge for southern district of court of appeals.
- 477.190. Judges, to be additional.
- 477.191. Additional judges for western district of court of appeals.
- 578.501. Funeral protests prohibited, when — citation of law — definitions.
- 578.502. Funeral protests prohibited, when — funeral defined.
- 578.503. Contingent effective date.
 - B. Delayed effective date.
 - C. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 56.807, 105.711, 302.065, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 21.880, 56.807, 57.095, 105.711, 302.065, 302.067, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 456.4420, 474.395, 477.160, 477.170, 477.180, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 478.740, 483.140, 488.014, 488.026, 488.305, 488.2206, 488.2245, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 537.602, 574.160, 575.153, 632.520, and 650.120, to read as follows:

21.880. JOINT COMMITTEE ESTABLISHED, MEMBERS, MEETINGS, DUTIES, REPORT — PERMANENT SUBCOMMITTEE ON THE MISSOURI CRIMINAL CODE — STAFF ASSISTANCE — COMPENSATION. — 1. There is hereby established a permanent joint committee of the general assembly, which shall be known as the "Joint Committee on the Justice System" and shall be composed of the following members:

- (1) The chairs of the senate and house committees on the judiciary;
- (2) The ranking minority members of the senate and house committees on the judiciary;
- (3) Two members of the senate appointed by the president pro tempore of the senate, one of whom shall be a member of the senate committee on appropriations;
- (4) The chair of the house committee with jurisdiction over matters relating to criminal laws, law enforcement, and public safety;
- (5) The chair of the house committee with jurisdiction over matters relating to state correctional institutions;
- (6) A member of the senate appointed by the minority floor leader of the senate;
- (7) A member of the house of representatives appointed by the minority floor leader of the house of representatives;
- (8) Three nonvoting ex officio members who shall be the chief justice of the Missouri supreme court, the state auditor, and the attorney general, or their designees.

2. No more than three members from each house shall be of the same political party.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chair and vice chair, one of whom shall be the senate judiciary chair and one of whom shall be the house judiciary chair. The positions of chair and vice chair shall alternate every two years thereafter between the senate and house. After its organization, the committee shall meet regularly, at least twice a year, at such time and place as the chair designates, including locations other than Jefferson City. A majority of the members of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

4. In order to promote the effective administration of justice and public safety, it shall be the duty of the joint committee to:

- (1) **Review and monitor:**
 - (a) **The state's justice system;**
 - (b) **The state's criminal laws, law enforcement, and public safety;**
 - (c) **The state's correctional institutions and penal and correctional issues; and**
 - (d) **All state government efforts related to terrorism, bioterrorism, and homeland security;**
- (2) **Receive reports from the judicial branch, state or local government agencies or departments, and any entities attached to them for administrative purposes;**
- (3) **Conduct an ongoing study and analysis of the state's justice system and related issues;**
- (4) **Determine the need for changes in statutory law, rules, policies, or procedures;**
- (5) **Make any recommendations to the general assembly for legislative action; and**
- (6) **Perform other duties authorized by concurrent resolution of the general assembly.**
5. **By January 15, 2016, and every year thereafter, it shall be the duty of the joint committee to file with the general assembly a report of its activities, along with any findings or recommendations the committee may have for legislative action.**
6. **The joint committee shall establish a permanent subcommittee on the Missouri criminal code, which shall conduct and supervise a continuing program of revision designed to maintain the cohesiveness, consistency, and effectiveness of the criminal laws of the state. In connection with this program, the committee may select an advisory committee on the Missouri criminal code, composed of a representative of the Missouri supreme court, a representative of the office of the attorney general, and other individuals known to be interested in the improvement of the state's criminal laws, and may authorize the payment of any actual and necessary expenses incurred by such members while attending meetings with the committee or the subcommittee on the Missouri criminal code. The subcommittee on the Missouri criminal code shall present to the general assembly in each tenth year such criminal code revision bills as it finds appropriate to accomplish its purpose.**
7. **The joint committee may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house and the joint committee on legislative research, and may employ such personnel as it deems necessary to carry out the duties imposed by this section, within the limits of any appropriation for such purpose. In the performance of its duties, the committee may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.**
8. **The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund.**

56.807. LOCAL PAYMENTS, AMOUNTS — PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT SYSTEM FUND CREATED — DONATIONS MAY BE ACCEPTED. —

1. **Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.**

2. **Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:**

- (1) **For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;**
- (2) **For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;**

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

[(1)] (a) For counties of the third and fourth classification except as provided in [subdivision (3)] **paragraph (c)** of this [subsection] **subdivision**, one hundred eighty-seven dollars;

[(2)] (b) For counties of the second classification, two hundred seventy-one dollars;

[(3)] (c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial valuation report. If the system's funding ratio is:

(a) One hundred twenty percent or more, no monthly sum shall be transmitted;

(b) More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;

(c) At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;

(d) At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and

(e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance [or], any violation of criminal or traffic laws of this state, including infractions, **and against any person who has pled guilty for any violation and paid a fine through a fine collection center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court [or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section

476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

57.095. SERVICE OF PROCESS, IMMUNITY FROM LIABILITY FOR SHERIFFS AND LAW ENFORCEMENT OFFICERS, WHEN. — Notwithstanding the provisions of section 537.600 to the contrary, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers' actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

105.711. LEGAL EXPENSE FUND CREATED — OFFICERS, EMPLOYEES, AGENCIES, CERTAIN HEALTH CARE PROVIDERS COVERED, PROCEDURE — RULES REGARDING CONTRACT PROCEDURES AND DOCUMENTATION OF CARE — CERTAIN CLAIMS, LIMITATIONS — FUNDS NOT TRANSFERABLE TO GENERAL REVENUE — RULES. — 1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087 or section 537.600;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri National Guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287;

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338 who is employed by the state of Missouri or any agency of the state under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338 who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed by or under contract with a city or county health department organized under chapter 192 or chapter 205, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without

compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334 who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who provides health care services within the scope of his or her license or registration at a city or county health department organized under chapter 192 or chapter 205, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, **excluding federally funded community health centers as specified in paragraph (c) of this subdivision and rural health clinics under 42 U.S.C. 1396d(l)(1)**, if such services are restricted to primary care and preventive health services, provided that such services shall not include the performance of an abortion, and if such health services are provided by the health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 without compensation. MO HealthNet or Medicare payments for primary care and preventive health services provided by a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who volunteers at a [free] **community** health clinic is not compensation for the purpose of this section if the total payment is assigned to the [free] **community** health clinic. For the purposes of the section, "[free] **community** health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage [for the services provided without charge]. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school or summer camp, if such physician's treatment is restricted to primary care and preventive health

services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(f) Any physician licensed under chapter 334, or dentist licensed under chapter 332, providing medical care without compensation to an individual referred to his or her care by a city or county health department organized under chapter 192 or 205, a city health department operating under a city charter, or a combined city-county health department, or nonprofit health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a federally funded community health center organized under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such treatment shall not include the performance of an abortion. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed one million dollars for any one claimant, and insurance policies purchased under the provisions of section 105.721 shall be limited to one million dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician licensed under chapter 334, or any dentist licensed under chapter 332, shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(4) Staff employed by the juvenile division of any judicial circuit;

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;

(6) Any social welfare board created under section 205.770 and the members and officers thereof upon conduct of such officer or employee while acting in his or her capacity as a board member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who is referred to provide medical care without compensation by the board and who provides health care services within the scope of his or her license or registration as prescribed by the board; or

(7) Any person who is selected or appointed by the state director of revenue under subsection 2 of section 136.055 to act as an agent of the department of revenue, to the extent that such agent's actions or inactions upon which such claim or judgment is based were performed in the course of the person's official duties as an agent of the department of revenue and in the manner required by state law or department of revenue rules.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 7 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim

or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance obtained and maintained in force by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for coverage concerning his or her private practice and assets shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. However, a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs. In the case of any claim or judgment against an officer or employee of the state or any agency of the state based upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state that would give rise to a cause of action under section 537.600, the state legal expense fund shall be liable, excluding punitive damages, for:

- (1) Economic damages to any one claimant; and
- (2) Up to three hundred fifty thousand dollars for noneconomic damages.

The state legal expense fund shall be the exclusive remedy and shall preclude any other civil actions or proceedings for money damages arising out of or relating to the same subject matter against the state officer or employee, or the officer's or employee's estate. No officer or employee of the state or any agency of the state shall be individually liable in his or her personal capacity

for conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state. The provisions of this subsection shall not apply to any defendant who is not an officer or employee of the state or any agency of the state in any proceeding against an officer or employee of the state or any agency of the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant under state law or common law in proceedings where one or more defendants is not an officer or employee of the state or any agency of the state.

6. The limitation on awards for noneconomic damages provided for in this subsection shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

7. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

8. The provisions of section 33.080 notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

302.065. RETENTION OF COPIES OF DOCUMENTS PROHIBITED, WHEN — DESTRUCTION OF CERTAIN SOURCE DOCUMENTS REQUIRED — INAPPLICABILITY — CIVIL ACTION AUTHORIZED, WHEN. — 1. Notwithstanding section 32.090 or any other provision of the law to the contrary, and except as provided in subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses. The department of revenue shall not use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format.

2. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any source documents that have been obtained from driver's license or nondriver's license applicants after September 1, 2012.

3. As long as the department of revenue has the authority to issue a concealed carry endorsement, the department shall not retain copies of any certificate of qualification for a concealed carry endorsement presented to the department for an endorsement on a driver's license or nondriver's license under section 571.101. The department of revenue shall not use technology to capture digital images of a certificate of qualification nor shall the department

retain digital or electronic images of such certificates. The department of revenue shall merely verify whether the applicant for a driver's license or nondriver's license has presented a certificate of qualification which will allow the applicant to obtain a concealed carry endorsement. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any copies of certificates of qualification that have been obtained from driver's license or nondriver's license applicants.

4. The provisions of this section shall not apply to:

- (1) Original application forms, which may be retained but not scanned;
- (2) Test score documents issued by state highway patrol driver examiners;
- (3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States; and

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit; and

(5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a [driver] **driver's** license, [nondriver] **nondriver's** license, or instruction permit.

5. As used in this section, the term "source documents" means original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance[, renewal, or replacement] of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

6. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court [or the circuit court] of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

302.067. LAWFUL PRESENCE OR CITIZENSHIP, PROOF OF TO BE PRESENTED ONCE — EXCEPTIONS. — Any original or certified copy, if applicable, of a document presented by an applicant under this chapter and its accompanying regulations as proof of lawful presence or citizenship to the department of revenue to apply for a driver's license, nondriver's license or instruction permit shall not be required to be presented by the applicant for any subsequent new, renewal, or duplicate application, except:

(1) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States, may be required to be presented upon each subsequent application;

(2) The department may require the documents to be presented if it is reasonably believed by the department that the prior driver's license or non-driver's license was issued as a result of a fraudulent act of the applicant;

(3) Applicants applying for or renewing a commercial driver's license or commercial driver's instruction permit; or

(4) The department may require an applicant to present such documents demonstrating lawful presence or citizenship specified in this section in order to correct any known or presumed error on the driver's license, nondriver's license, or instruction permit.

334.950. COLLABORATION BETWEEN PROVIDERS AND MEDICAL RESOURCE CENTERS — DEFINITIONS — RECOMMENDATIONS — RULEMAKING AUTHORITY, SAFE CARE PROVIDERS. — 1. As used in this section, the following terms shall mean:

(1) "Child abuse medical resource centers", medical institutions affiliated with accredited children's hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support, mentoring, and peer review to SAFE CARE providers in Missouri;

(2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's assistant licensed in this state who provides medical diagnosis and treatment to children suspected of being victims of abuse and who receives:

(a) Missouri-based initial intensive training regarding child maltreatment from the SAFE CARE network;

(b) Ongoing update training on child maltreatment from the SAFE CARE network;

(c) Peer review and new provider mentoring regarding the forensic evaluation of children suspected of being victims of abuse from the SAFE CARE network;

(3) "Sexual assault forensic examination child abuse resource education network" or "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this state to improve outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills and role of the medical provider in a multidisciplinary context.

2. Child abuse medical resource centers may collaborate directly or through the use of technology with SAFE CARE providers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may collaborate directly or through the use of technology with other SAFE CARE providers and child abuse medical resource centers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

4. The SAFE CARE network shall develop recommendations concerning medically based screening processes and forensic evidence collection for children who may be in need of an emergency examination following an alleged sexual assault. Such recommendations shall be provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners that provide emergency examinations for children suspected of being victims of abuse.

5. The department of public safety shall establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

6. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

7. The department shall only reimburse providers for forensic evaluations and case reviews. The department shall not reimburse providers for medical procedures, facility fees, supplies, or laboratory/radiology tests.

8. In order for the department to provide reimbursement, the child shall be the subject of a child abuse investigation or reported to the children's division as a result of the examination.

9. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.

408.040. INTEREST ON JUDGMENTS, HOW REGULATED — PREJUDGMENT INTEREST ALLOWED WHEN, PROCEDURE. — 1. Judgments shall accrue interest on the judgment balance as set forth in this section. The "judgment balance" is defined as the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits shall be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance.

2. In all nontort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date judgment is entered by the trial court until satisfaction is made by payment, accord or sale of property; all such judgments and orders for money upon contracts bearing more than nine percent interest shall bear the same interest borne by such contracts, and all other judgments and orders for money shall bear nine percent per annum until satisfaction made as aforesaid.

[2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section, in tort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date [of] judgment is entered by the trial court until full satisfaction. All such judgments and orders for money shall bear a per annum interest rate equal to the intended Federal Funds Rate, as established by the Federal Reserve Board, plus five percent, until full satisfaction is made. The judgment shall state the applicable interest rate, which shall not vary once entered. In tort actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a claim, to the party, parties or their representatives, and to such party's liability insurer if known to the claimant, and the amount of the judgment or order exceeds the demand for payment or offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety days after the demand or offer was received, as shown by the certified mail return receipt, or from the date the demand or offer was rejected without counter offer, whichever is earlier. In order to qualify as a demand or offer pursuant to this section, such demand must:

- (1) Be in writing and sent by certified mail return receipt requested; and
- (2) Be accompanied by an affidavit of the claimant describing the nature of the claim, the nature of any injuries claimed and a general computation of any category of damages sought by the claimant with supporting documentation, if any is reasonably available; and
- (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a list of the names and addresses of medical providers who have provided treatment to the claimant or decedent for such injuries, copies of all reasonably available medical bills, a list of employers if the claimant is seeking damages for loss of wages or earning, and written authorizations sufficient to allow the party, its representatives, and liability insurer if known to the claimant to obtain records from all employers and medical care providers; and
- (4) Reference this section and be left open for ninety days.

Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause of action in circuit court prior to a date one hundred twenty days after the demand or offer was received, then the court shall not award prejudgment interest to the claimant. If the claimant is a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably appears to be qualified to act as next friend or conservator or personal representative. If the claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to section 537.080 to make claim for the death. Nothing contained herein shall limit the right of a claimant,

in actions other than tort actions, to recover prejudgment interest as otherwise provided by law or contract.

[3.] **4.** In tort actions, a judgment for prejudgment interest awarded pursuant to this [subsection] **section** should bear interest at a per annum interest rate equal to the intended Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The judgment shall state the applicable interest rate, which shall not vary once entered.

452.556. HANDBOOK, CONTENTS, AVAILABILITY. — 1. The state courts administrator shall create a handbook or be responsible for the approval of a handbook outlining the following:

- (1) What is included in a parenting plan;
- (2) The benefits of the parties agreeing to a parenting plan which outlines education, custody and cooperation between parents;
- (3) The benefits of alternative dispute resolution;
- (4) The pro se family access motion for enforcement of custody or temporary physical custody;
- (5) The underlying assumptions for supreme court rules relating to child support; and
- (6) A party's duties and responsibilities pursuant to section 452.377, including the possible consequences of not complying with section 452.377. The handbooks shall be distributed to each court and shall be available in an alternative format, including Braille, large print, or electronic or audio format upon request by a person with a disability, as defined by the federal Americans with Disabilities Act.

2. Each court shall [mail] **provide** a copy of the handbook developed pursuant to subsection 1 of this section to each party in a dissolution or legal separation action filed pursuant to section 452.310, or any proceeding in modification thereof, where minor children are involved, or may provide the petitioner with a copy of the handbook at the time the petition is filed and direct that a copy of the handbook be served along with the petition and summons upon the respondent.

3. The court shall make the handbook available to interested state agencies and members of the public.

454.500. MODIFICATION OF AN ADMINISTRATIVE ORDER, PROCEDURE, EFFECT — RELIEF FROM ORDERS, WHEN. — 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the obligated parent, the division, or the person or agency having custody of the dependent child may file a motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for modification, and shall state the address of the moving party. The motion shall be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party holding the support rights, as appropriate. In addition, if the support rights are held by the division of family services on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified mail to the person having custody of the dependent child at the last known address of that person. A hearing on the motion shall then be provided in the same manner, and determinations shall be based on considerations set out in section 454.475, unless the party served fails to respond within thirty days, in which case the director may enter an order by default. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370. If the director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the

appropriate agent to receive the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the obligee or obligor by certified mail.

2. A motion for modification made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support award, the director, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable.

4. **If the division has entered an order under section 454.470 or 454.500, and an additional child or children not the subject of the order are born to the parties, the division may, following the filing of a motion to modify, service of process, and opportunity for a hearing pursuant to this section, modify the underlying child support order to include a single child support obligation for all children of the parties in conformity with the criteria set forth in supreme court rule 88.01.**

5. The circuit court may, upon such terms as may be just, relieve a parent from an administrative order entered against that parent because of mistake, inadvertence, surprise, or excusable neglect.

[5.] 6. No order entered pursuant to section 454.476 shall be modifiable pursuant to this section, except that an order entered pursuant to section 454.476 shall be amended by the director to conform with any modification made by the court that entered the court order upon which the director based his or her order.

[6.] 7. When the party seeking modifications has met the burden of proof set forth in subsection 3 of this section, then the child support shall be determined in conformity with the criteria set forth in supreme court rule 88.01.

[7.] 8. The last four digits of the Social Security number of the parents shall be recorded on any order entered pursuant to this section. The full Social Security number of each party and each child shall be retained in the manner required by section 509.520.

455.007. MOOTNESS DOCTRINE, PUBLIC INTEREST EXCEPTION TO APPLY UPON EXPIRATION OF THE ORDER. — Notwithstanding any other provision of law to the contrary, the public interest exception to the mootness doctrine shall apply to an appeal of a full order of protection which]:

(1)] has expired]; and

(2) Subjects the person against whom such order is issued to significant collateral consequences by the mere existence of such full order of protection after its expiration].

456.950. DEFINITION — PROPERTY AND INTERESTS IN PROPERTY, HOW HELD — DEATH OF SETTLOR, EFFECT OF — MARITAL PROPERTY RIGHTS, EFFECT ON. — 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are husband and wife at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors all property or interests in property transferred to, or held by, the trustee are:

(a) Held and administered in one trust for the benefit of both settlors, revocable by either or both settlors acting together while either or both are alive, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two separate shares of one trust for the benefit of each of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section.

3. **Any** property or interests in property [held as tenants by the entirety by a husband and wife] that [is] **are** at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are the settlors, shall **thereafter** be [held and] administered as provided by the trust terms in accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this section[, and all such] . **All trust** property and interests in property **deemed for purposes of this section to be held as tenants by the entirety**, including the proceeds thereof, the income thereon, and any property into which such property, proceeds, or income may be converted, shall [thereafter] have the same immunity from the claims of the separate creditors of the settlors as would have existed if the settlors had continued to hold that property as husband and wife as tenants by the entirety. **Property or interests in property held by a husband and wife as tenants by the entirety or as joint tenants or other form of joint ownership with right of survivorship shall be conclusively deemed for purposes of this section to be held as tenants by the entirety upon its transfer to the qualified spousal trust. All such transfers shall retain said immunity**, so long as:

(1) Both settlors are alive and remain married; and

(2) The property, proceeds, or income continue to be held in trust by the trustee of the qualified spousal trust.

4. Property or interests in property held by a husband and wife or held in the sole name of a husband or wife that [is] **are** not held as tenants by the entirety **or deemed held as tenants by the entirety for purposes of this section** and [is] **are** transferred to a qualified spousal trust shall be held as directed in the qualified spousal trust's governing instrument or in the instrument of transfer and the rights of any claimant to any interest in that property shall not be affected by this section.

5. Upon the death of each settlor, all property and interests in property held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the property or interests in property in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect or change either settlor's marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses otherwise expressly agree in writing.

7. This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before or after August 28, 2011.

456.4-420. NO-CONTEST CLAUSE, CLAIMS FOR RELIEF. — 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction, or otherwise on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust or over any person joined or attempted to be joined in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested

person otherwise has standing to do so under applicable law including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;

(4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

(5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;

(6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;

(7) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.

8. In any proceeding brought under this section, the court may award costs, expenses, and attorney's fees to any party as provided in section 456.10-1004.

474.395. NO-CONTEST CLAUSES, APPLICATION OF, PETITION MAY BE FILED — DEFINITION. — 1. If a will contains a no-contest clause, an interested person may file a petition with the court for a determination whether a particular motion, petition, action, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy, which application would be adjudicated in the manner prescribed in section 456.4-420, and subject to the provisions set forth therein.

2. For purposes of this section, a "no-contest clause" shall mean a provision in a will purporting to rescind a donative transfer to, or a fiduciary appointment of, any person who institutes a proceeding challenging the validity of all or part of the will or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in the estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

477.160. JUDGES, EASTERN DISTRICT COURT OF APPEALS, NUMBER. — There shall be [twelve] **fourteen** judges of the eastern district of the court of appeals.

477.170. JUDGES, WESTERN DISTRICT COURT OF APPEALS, NUMBER. — There shall be [seven] **eleven** judges of the western district of the court of appeals.

477.180. JUDGES, SOUTHERN DISTRICT COURT OF APPEALS, NUMBER. — There shall be [five] **seven** judges of the southern district of the court of appeals.

478.320. ASSOCIATE CIRCUIT JUDGES, AUTHORIZED NUMBER — POPULATION DETERMINATION — ELECTION — RESTRICTIONS ON PRACTICE OF LAW OR PAID PUBLIC APPOINTMENT — RESIDENCY REQUIREMENT. — 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. [When the office of state courts administrator indicates in an annual judicial weighted workload model for three consecutive years or more the need for four or more full-time judicial

positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In a multicounty circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.

3.] For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[4.] 3. Except in circuits where associate circuit judges are selected under the provisions of Sections 25(a) to (g) of Article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[5.] 4. In counties not subject to Sections 25(a) to (g) of Article V of the constitution, associate circuit judges shall be elected by the county at large.

[6.] 5. No associate circuit judge shall practice law, or do a law business, nor shall he or she accept, during his or her term of office, any public appointment for which he or she receives compensation for his or her services.

[7.] 6. No person shall be elected as an associate circuit judge unless he or she has resided in the county for which he or she is to be elected at least one year prior to the date of his or her election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

478.437. CIRCUIT NO. 21, NUMBER OF JUDGES. — [The circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges] **1. Beginning in fiscal year 2015, there shall be twenty circuit judges in the twenty-first judicial circuit. These judges shall sit in twenty divisions,** and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the twenty-first judicial circuit. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional judgeships per county under section 478.320.

478.464. ASSOCIATE CIRCUIT DIVISIONS NUMBERED — DIVISIONS TO SIT, WHERE — (JACKSON COUNTY). — [1.] In the sixteenth judicial circuit, [associate circuit divisions shall hereafter be numbered beginning with the number 25:

- (1) Division 101 shall hereafter be division 25;
- (2) Division 102 shall hereafter be division 26;
- (3) Division 103 shall hereafter be division 27;
- (4) Division 104 shall hereafter be division 28;
- (5) Division 105 shall hereafter be division 29;
- (6) Division 106 shall hereafter be division 30;
- (7) Division 107 shall hereafter be division 31; and
- (8) Division 108 shall hereafter be division 32.

2. Twelve months after construction of two new courtrooms in Independence is completed, there shall be one additional associate circuit judge in the sixteenth judicial circuit, to be known as division 33. The presiding judge of such circuit shall certify to the state of administration office the actual date of completion of said construction.

3.] there shall be ten associate circuit judges. These judges shall sit in ten divisions, which shall be numbered beginning with the number 25. Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall sit in Independence. **Division 34 shall sit in the location determined by the court en banc. The tenth associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.**

478.513. CIRCUIT NO. 31, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED.

— 1. There shall be five circuit judges in the thirty-first judicial circuit [consisting of the county of Greene]. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

3. Beginning in fiscal year 2015, there shall be one additional associate circuit judge in the thirty-first judicial circuit, and there shall continue to be the associate judge position authorized in fiscal year 2014. Neither associate circuit judgeship shall be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

478.600. CIRCUIT NO. 11, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED

—DRUG COMMISSIONER TO BECOME ASSOCIATE CIRCUIT JUDGE POSITION. — 1. There shall be four circuit judges in the eleventh judicial circuit [consisting of the county of St. Charles]. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.

478.610. CIRCUIT NO. 13, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED

—ADDITIONAL ASSOCIATE CIRCUIT JUDGE FOR BOONE COUNTY, WHEN. — 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three. Beginning on

January 1, 2007, there shall be four circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982. The circuit judge in division four shall be elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.

3. [The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date,] **Beginning August 28, 2001**, there shall be one **more** additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.

478.740. CIRCUIT NO. 38, NUMBER OF JUDGES — NUMBER OF DIVISIONS-ELECTION DATES. — 1. There shall be two circuit judges in the thirty-eighth judicial circuit. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 2016, and such judicial position shall not be considered vacant or filled until January 1, 2017. The judge in division one shall be elected in 2018.

483.140. JUDGE TO SUPERINTEND KEEPING OF RECORDS. — It shall be the special duty of every judge of a court of record to examine into and superintend the manner in which the rolls and records of the court are made up and kept; to prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the business of the court; to require that the records and files be properly maintained and entries be made at the proper times as required by law or supreme court rule, and that the duties of the clerks be performed according to law and supreme court rule; and if any clerk fail to comply with the law, the court shall proceed against him as for a misdemeanor. **The provisions of this section shall not be construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file, or communication from a court file or record without the agreement of all parties.**

488.014. OVERPAYMENT OF COURT COSTS, NO DUTY TO REFUND, WHEN. — No court of record in this state, municipal division of the circuit court, or any entity collecting court costs on their behalf shall be required to refund any overpayment of court costs in an amount not exceeding five dollars or to collect any due court costs in an amount of less than five dollars. Any such overpaid funds may be retained by the county for the operation of the circuit court, **except any overpaid funds owed to a municipal division of the circuit court may be retained by the municipality for the operation of the municipal court.**

488.026. SURCHARGE FOR ALL CRIMINAL CASES, AMOUNT — COUNTY ORDINANCE DEFINED — COLLECTION AND DEPOSIT OF FUNDS. — As provided by section 56.807, there shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state, including violations of any county ordinance [or], any violation of criminal or traffic laws of this state, including infractions, **or against any person who has pled guilty of a violation and paid a fine through a fine collection center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court [or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund.

488.305. COURT COSTS — CIRCUIT CLERK, DUTIES — SURCHARGE FOR GARNISHMENT CASES (STATUTORY LIENS). — 1. The clerk of the circuit court shall charge and collect fees for

the clerk's duties as prescribed by sections 429.090 and 429.120 in such amounts as are determined pursuant to sections 488.010 to 488.020.

2. The clerk of the circuit court may charge and collect in cases where a garnishment is granted, a surcharge not to exceed ten dollars for the clerk's duties. Any moneys collected under this subsection shall be placed in a fund to be used at the discretion of the circuit clerk to maintain and improve case processing and record preservation.

488.2206. CIRCUIT NO. 37, ADDITIONAL SURCHARGE FOR A COUNTY OR MUNICIPAL JUDICIAL FACILITY. — 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirty-first judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge.

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, construction, maintenance, and operation of any county or municipal judicial facility including, but not limited to, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively.

488.2245. CITY OF FLORISSANT, ADDITIONAL SURCHARGE FOR A MUNICIPAL COURTHOUSE. — 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than fifty-two thousand but fewer than sixty-four thousand inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants may provide for additional court costs in an amount up to ten dollars per case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

2. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the land assemblage and purchase, construction, maintenance, and upkeep of a municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds for the cost of land assemblage and purchase, construction, maintenance, and upkeep of the courthouse.

516.140. WHAT ACTIONS WITHIN TWO YEARS. — Within two years: An action for libel, slander, **injurious falsehood**, assault, battery, false imprisonment, criminal conversation, malicious prosecution or actions brought under section 290.140. An action by an employee for the payment of unpaid minimum wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum wages or overtime compensation, and for the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an act of Congress, shall be brought within two years after the cause accrued.

516.350. JUDGMENTS PRESUMED TO BE PAID, WHEN — PRESUMPTION, HOW REBUTTED — INCLUSION IN THE AUTOMATED CHILD SUPPORT SYSTEM — JUDGMENT FOR UNPAID RENT, REVIVED BY PUBLICATION. — 1. Every judgment, order or decree of any court of record of the United States, or of this or any other state, territory or country, except for any judgment, order, or decree awarding child support or maintenance or dividing pension, retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment which mandates the making of payments over a period of time or payments in the future, shall be presumed to be paid and satisfied after the expiration of ten years from the date of the original rendition thereof, or if the same has been revived upon personal service duly had upon the defendant or defendants therein, then after ten years from and after such revival, or in case a payment has been made on such judgment, order or decree, and duly entered upon the record thereof, after the expiration of ten years from the last payment so made, and after the expiration of ten years from the date of the original rendition or revival upon personal service, or from the date of the last payment, such judgment shall be conclusively presumed to be paid, and no execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained thereon for any purpose whatever. An action to emancipate a child, and any personal service or order rendered thereon, shall not act to revive the support order.

2. In any judgment, order, or decree awarding child support or maintenance, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 31, 1982.

3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 28, 2001.

4. In any judgment, order or decree awarding child support or maintenance, payment duly entered on the record as provided in subsection 1 of this section shall include recording of payments or credits in the automated child support system created pursuant to chapter 454 by the division of child support enforcement or payment center pursuant to chapter 454.

5. **Any judgment, order, or decree awarding unpaid rent may be revived upon publication consistent with the publication requirements of section 506.160 and need not be personally served on the defendant.**

525.040. EFFECT OF NOTICE OF GARNISHMENT — PRIORITY BASED ON DATE OF SERVICE. — 1. Notice of garnishment, served as provided in sections 525.010 to 525.480 shall have the effect of attaching all personal property, money, rights, credits, bonds, bills, notes, drafts, checks or other choses in action of the defendant in the garnishee's possession or charge, or under his **or her** control at the time of the service of the garnishment, or which may come into his **or her** possession or charge, or under his **or her** control, or be owing by him **or her**, between that time and the time of filing his **or her** answer, **or in the case of a continuous wage garnishment, until the judgment is paid in full or until the employment relationship is terminated, whichever occurs first**; but he **or she** shall not be liable to a judgment in money on account of such bonds, bills, notes, drafts, checks or other choses in action, unless the same shall have been converted into money since the garnishment, or he **or she** [fail] **fails**, in such time as the court may prescribe, to deliver them into court, or to the sheriff or other person designated by the court.

2. Writs of garnishment which would otherwise have equal priority shall have priority according to the date of service on the garnishee. If the employee's wages have been attached by more than one writ of garnishment, the employer shall inform the inferior garnisher of the existence and case number of all senior garnishments.

525.070. GARNISHEE MAY DISCHARGE HIMSELF, HOW. — Whenever any property, effects, money or debts, belonging or owing to the defendant, shall be confessed, or found by the court or jury, to be in the hands of the garnishee, the garnishee may, at any time before final judgment, discharge himself **or herself**, by paying or delivering the same, or so much thereof as the court shall order, to the sheriff [or] , to the court, **or if applicable, to the attorney for the party on whose behalf the order of garnishment was issued**, from all further liability on account of the property, money or debts so paid or delivered.

525.080. GARNISHEE TO DELIVER PROPERTY, OR PAY DEBTS, OR MAY GIVE BOND THEREFOR. — 1. If it appear that a garnishee, at or after his or her garnishment, was possessed of any property of the defendant, or was indebted to him **or her**, the court, or judge in vacation, may order the delivery of such property, or the payment of the amount owing by the garnishee, to the sheriff [or] , into court, **or to the attorney for the party on whose behalf the order of garnishment was issued**, at such time as the court may direct; or may permit the garnishee to retain the same, upon his or her executing a bond to the plaintiff, with security, approved by the court, to the effect that the property shall be forthcoming, or the amount paid, as the court may direct. Upon a breach of the obligation of such bond, the plaintiff may proceed against the obligors therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

2. Notwithstanding subsection 1 of this section, when property is protected from garnishment by state or federal law including but not limited to federal restrictions on the garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and Old Age, Survivors and Disability Insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not be delivered to the court, **or to any other person**, by the garnishee to the extent such protection or preemption is applicable.

525.230. GARNISHEE IS A FINANCIAL INSTITUTION, ONE-TIME DEDUCTION PERMITTED, WHEN —PROCEDURE. — [1. The court shall make the garnishee a reasonable allowance] **The garnishee may deduct a one-time sum not to exceed twenty dollars, or the fee previously agreed upon between the garnishee and judgment debtor if the garnishee is a financial institution**, for his or her trouble and expenses in answering the interrogatories **and withholding the funds**, to be [paid out of the funds or proceeds of the property or effects confessed in his or her hands. The reasonable allowances shall include any court costs, attorney's fees and any other bona fide expenses of the garnishee.

2. The court also shall allow the garnishee, in addition to the reasonable allowance for his or her trouble and expenses in answering the interrogatories, to collect an administrative fee consisting of the greater of eight dollars or two percent of the amount required to be deducted by any court-ordered garnishment or series of garnishments arising out of the same judgment debt. Such fee shall be for the trouble and expenses in administering the notice of garnishment and paying over any garnished funds available to the court. The fee shall be withheld by the employer from the employee, or by any other garnishee from any fund garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against the court-ordered judgment and shall be collected first] **withheld from any funds garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against the court-ordered judgment and shall be collected first. The garnishee may file a motion with the court for additional costs, including attorney's fees, reasonably incurred in answering the interrogatories in which case the court may make such award as it deems reasonable. The motion shall be filed on or before the date the garnishee makes payment or delivers property subject to garnishment to the court.**

525.310. COMPENSATION OF STATE AND MUNICIPAL EMPLOYEES SUBJECT TO GARNISHMENT, PROCEDURE. — 1. [When a judgment has been rendered against an officer, appointee or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the court before whom the judgment was rendered, an application setting forth such facts, and that the judgment debtor is employed by the state, or a municipal corporation or other political subdivision of the state, with the name of the department of state or the municipal corporation or other political subdivision of the state which employs the judgment debtor, and the name of the treasurer, or the name and title of the paying, disbursing or auditing officer of the state, municipal corporation or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing of such application the clerk shall issue a writ of sequestration directed to the sheriff or other officer authorized to execute writs in the county in which such paying, disbursing or auditing officer may be found and the sheriff or other officer to whom the writ is directed shall serve a true copy thereof upon such paying, disbursing or auditing officer named therein, which shall have the effect of attaching any and all salary, wages, fees or earnings of the judgment debtor, which are not made exempt by virtue of the exemption statutes of this state and are not in excess of the amount due on the judgment and costs, then due and payable, from the date of the writ to the return day thereof.

2. The paying, disbursing or auditing officer charged with the duty of payment or audit of the salary, wages, fees or earnings of the judgment debtor shall deliver to the sheriff or officer serving the writ the amount, not to exceed the amount due upon the judgment and costs, of the salary, wages, fees or earnings of the judgment debtor not made exempt by virtue of the exemption statutes of this state, as the same shall become due to the judgment debtor. The paying, disbursing or auditing officer shall pay to the judgment debtor the remaining portion of his salary, wages, fees or earnings, as the same shall become due to the judgment debtor. The sheriff, or officer serving the writ, shall provide to the paying, disbursing or auditing officer along with the writ sufficient information to compute the amount which shall be delivered to the sheriff or officer serving the writ. Neither the state, municipal corporation or other political subdivision of the state, nor the paying, disbursing or auditing officer shall be liable for the payment of any amount above the amount delivered to the sheriff or officer serving the writ if the computation of the amount delivered is in accordance with the information provided with the writ.

3. The sheriff or officer serving such writ shall endorse thereon the day and date he received the same, and upon receiving any amount in connection with the writ, shall issue his receipt to such paying, disbursing or auditing officer therefor. All amounts delivered to the sheriff, or officer serving said writ, in connection with the writ, or so much thereof as shall be necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the same manner as in the case of garnishment under execution. The sheriff or other officer serving the writ shall make his return to the writ showing the manner of serving the same, and he shall be allowed the same fees therefor as provided for levy of execution, and the writ shall be returnable in the same manner as the execution issued out of the court in which the judgment was rendered. Nothing in this section shall deprive the judgment debtor of any exemptions to which he may be entitled under the exemption laws of this state, and the same may be claimed by him to the sheriff or other officer serving the writ at any time on or before the return day of the writ in the manner provided under the exemption laws of this state. It shall be the duty of such sheriff or other officer serving the writ, at the time of the service thereof, to apprise the judgment debtor of his exemption rights, either in person or by registered letter directed to the judgment debtor to his last known address.] **The state, municipal, or other political subdivision employer served with a garnishment shall have the same duties and obligations as those imposed upon a private employer when served with a garnishment.**

2. Pay of any officer, appointee, or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, shall be subject to

garnishment to the same extent as in any other garnishment. All garnishments against such employee shall proceed in the same manner as any other garnishment.

3. Service of legal process to which a department, municipal corporation, or other political subdivision of the state is subject under this section may be accomplished by personal service upon the paying, disbursing, or auditing officer of the state, municipal corporation, or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees, or earnings of such employees.

537.602. SUPERVISION OF COMMUNITY SERVICE WORK, IMMUNITY FROM LIABILITY, WHEN — DEFINITIONS — COMMUNITY SERVICE WORK NOT DEEMED EMPLOYMENT AND WORKER NOT AN EMPLOYEE. — 1. As used in this section the following terms shall mean:

(1) "Community service work", any work which is performed without compensation and is required in exchange for deferred prosecution of any criminal charge by any federal, state, or local prosecutor under a written agreement;

(2) "Entity", includes any person, for-profit or not-for-profit business, agency, group, charity, organization, or any unit of federal, state, or local government or any of their employees.

2. Any entity which supervises community service work performed as a requirement for deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor, or any entity which derives benefits from the performance of community service work shall be immune from any suit by the person performing the community service work or by any person deriving a cause of action from the person performing the community service work if that cause of action arises from the supervision of the work performed, except that the entity supervising the work shall not be immune from any suit for gross negligence or for an intentional tort.

3. Community service work shall not be deemed employment within the meaning of the provisions of chapter 288 and a person performing community service work under the provisions of this section shall not be deemed an employee within the meaning of the provisions of chapter 287.

574.160. UNLAWFUL FUNERAL PROTEST, OFFENSE OF — DEFINITIONS — VIOLATION, PENALTY. — 1. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of any actual funeral or burial service at that place.

2. For purposes of this section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

3. For purposes of this section, "funeral" and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any three-hundred-foot zone that is established under subsection 1 of this section.

4. The offense of unlawful funeral protest is a class B misdemeanor, unless committed by a person who has previously been found guilty of a violation of this section, in which case it is a class A misdemeanor.

575.153. DISARMING A PEACE OFFICER OR CORRECTIONAL OFFICER — PENALTY. —

1. A person commits the crime of disarming a peace officer, as defined in section [590.100] **590.010**, or a correctional officer if such person intentionally:

(1) Removes a firearm [or other] , deadly weapon, or less-lethal weapon, to include blunt impact, chemical or conducted energy devices, used in the performance of his or her official duties from the person of a peace officer or correctional officer while such officer is acting within the scope of his or her official duties; or

(2) Deprives a peace officer or correctional officer of such officer's use of a firearm [or], deadly weapon, **or any other equipment described in subdivision (1) of this subsection** while the officer is acting within the scope of his or her official duties.

2. The provisions of this section shall not apply when:

(1) The defendant does not know or could not reasonably have known that the person he or she disarmed was a peace officer or correctional officer; or

(2) The peace officer or correctional officer was engaged in an incident involving felonious conduct by the peace officer or correctional officer at the time the defendant disarmed such officer.

3. Disarming a peace officer or correctional officer is a class C felony.

632.520. OFFENDER COMMITTING VIOLENCE AGAINST AN EMPLOYEE — DEFINITIONS — PENALTY — DAMAGE OF PROPERTY, VIOLATION, PENALTY. — 1. For purposes of this section, the following terms mean:

(1) "Employee of the department of mental health", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", a person ordered to the department of mental health after a determination by the court that the person meets the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495.

2. No offender shall knowingly commit violence to an employee of the department of mental health or to another offender housed in a secure facility. Violation of this subsection shall be a class B felony.

3. No offender shall knowingly damage any building or other property owned or operated by the department of mental health. Violation of this subsection shall be a class C felony.

650.120. GRANTS TO FUND INVESTIGATIONS OF INTERNET SEX CRIMES AGAINST CHILDREN — FUND CREATED — PANEL, MEMBERSHIP, TERMS — LOCAL MATCHING AMOUNTS — PRIORITIES — TRAINING STANDARDS — INFORMATION SHARING — PANEL RECOMMENDATION — POWER OF ARREST — SUNSET PROVISION. — 1. There is hereby created in the state treasury the "Cyber Crime Investigation Fund". The treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. [Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the cyber crime investigation fund.] The department of public safety shall be the administrator of the fund. Moneys in the fund shall be used solely for the administration of the grant program established under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department of public safety shall create a program to distribute grants to multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes against children, and other law enforcement agencies. The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section. Not more than three percent

of the money in the fund may be used by the department to pay the administrative costs of the grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating Internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, provide funding for the training of law enforcement personnel and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. The funding for such training may be used to cover the travel expenses of those persons participating.

3. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

- (1) The director of the department of public safety, or his or her designee;
- (2) Two members [shall be] appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Police Chiefs Association;
- (3) Two members [shall be] appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Sheriffs' Association;
- (4) Two members of the state highway patrol [shall be] appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri State Troopers Association;
- (5) One member of the house of representatives [who shall be] appointed by the speaker of the house of representatives; and
- (6) One member of the senate [who shall be] appointed by the president pro tem.

The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall serve a four-year term ending four years from the date of expiration of the term for which his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Such members shall hold office for the term of his or her appointment and until a successor is appointed. The members of the panel shall receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of panel duties.

4. Local matching amounts, which may include new or existing funds or in-kind resources including but not limited to equipment or personnel, are required for multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel.

5. When awarding grants, priority should be given to newly hired detectives and computer forensic personnel.

6. The panel shall establish minimum training standards for detectives and computer forensic personnel participating in the grant program established in subsection 2 of this section.

7. Multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies participating in the grant program established in subsection 2 of this section shall share information and cooperate with the highway patrol and with existing Internet crimes against children task force programs.

8. The panel may make recommendations to the general assembly regarding the need for additional resources or appropriations.

9. The power of arrest of any peace officer who is duly authorized as a member of a multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as

appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multijurisdictional Internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall [sunset automatically six years after June 5, 2006] **be reauthorized on August 28, 2014, and shall expire on December 31, 2024**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

[476.445. DISABILITY RETIREMENT OF SUPREME COURT AND COURT OF APPEALS COMMISSIONERS — HEARING — COMPENSATION. — 1. Any commissioner of the supreme court or commissioner of a court of appeals who is unable to discharge the duties of his office with efficiency by reason of continued sickness or physical or mental infirmity shall be retired from office upon the en banc order of the court appointing him.

2. No order retiring a commissioner shall be entered without the commissioner involved having been given due notice and an opportunity to be heard and without a finding by a majority of the court involved that the commissioner's disability is permanent.

3. Any commissioner retired under the provisions of this section shall receive as compensation during such retirement and until the end of the term for which he was appointed a sum equal to one-half of the regular compensation for that office.

4. Any commissioner retired under the provisions of this section shall not be eligible to be made, constituted and appointed a special commissioner as provided in sections 476.450 to 476.510 (nor to receive the compensation provided therefor by sections 476.450 to 476.510) during the period of his retirement under the provisions of this section but upon the completion of such period he shall be and become eligible to be made, constituted and appointed a special commissioner as provided in sections 476.450 to 476.510 if he be otherwise qualified as to age and length of service.]

[477.081. NEW COMMISSIONERS PROHIBITED — PRESENT COMMISSIONERS REAPPOINTED, WHEN. — From January 1, 1972, no new commissioner shall be appointed by the supreme court or the court of appeals. All commissioners serving on January 1, 1972, are eligible for reappointment for additional four-year terms until they reach compulsory retirement age, or die, resign or are removed. Each commissioner shall possess the same qualifications, take and subscribe a like oath, and receive the same compensation payable in the same manner as judges of the court appointing them. The commissioners are subject to the rules and orders of the court appointing them and shall provide such services as the court may require.]

[477.082. COMMISSIONERS MAY BE ASSIGNED AS SPECIAL JUDGES. — From January 1, 1972, the commissioners of the supreme court, in addition to their other duties, by order of the supreme court, may be temporarily assigned for the performance of judicial duties as special judges of the supreme court, of any district of the court of appeals, or of any circuit court when their services are required for the prompt and efficient administration of justice. During such temporary assignments, subject to the supervision of the regular judge or judges of the court, the commissioners shall exercise the same powers, duties, and responsibilities as are vested by law in the regular judges of the court to which they are assigned.]

[477.152. VACANCY IN OFFICE OF COMMISSIONER, PROCEDURE TO BE FOLLOWED. — Whenever a vacancy occurs after September 3, 1970, in the office of commissioner of the supreme court, a judge shall be appointed in the manner prescribed by sections 25(a)-(g), article V of the Constitution of Missouri to serve on the court of appeals. Appointments under this section shall be made to the districts of the court of appeals in the following order: eastern, western, southern, eastern, western, eastern.]

[477.181. ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF COURT OF APPEALS. — 1. On July 1, 1979, the number of judges of the southern district of the court of appeals shall be increased by one judge.

2. The judge appointed pursuant to the provisions of this section shall be in addition to any other judges appointed to the southern district of the court of appeals pursuant to other provisions of law.]

[477.190. JUDGES, TO BE ADDITIONAL. — The judgeships authorized by sections 477.160, 477.170 and 477.180 shall be in addition to those newly authorized after January 1, 1978, by the provisions of section 477.152 or by any other law enacted at or after the second regular session of the seventy-ninth general assembly.]

[477.191. ADDITIONAL JUDGES FOR WESTERN DISTRICT OF COURT OF APPEALS. — 1. On January 1, 1979, the western district of the Missouri court of appeals shall be increased by three judges.

2. The judges appointed pursuant to the provisions of this section shall be in addition to any other judges appointed to the western district of the Missouri court of appeals under the provisions of any other law.]

[578.501. FUNERAL PROTESTS PROHIBITED, WHEN — CITATION OF LAW — DEFINITIONS. — 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For the purposes of this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.]

[578.502. FUNERAL PROTESTS PROHIBITED, WHEN — FUNERAL DEFINED. — 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For purposes of this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.]

[578.503. CONTINGENT EFFECTIVE DATE. — The enactment of section 578.502 shall become effective only on the date the provisions of section 578.501 are finally

declared void or unconstitutional by a court of competent jurisdiction and upon notification by the attorney general to the revisor of statutes.]

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this act shall become effective on January 15, 2015.

SECTION C. EMERGENCY CLAUSE. — Because of the necessity of constitutionally protected expedient access to the courts and ensuring the continued efficient administration of justice, the repeal and reenactment of sections 478.320, 478.437, 478.464, 478.513, and 478.600, and the enactment of section 478.740 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution and the repeal and reenactment of sections 478.320, 478.437, 478.464, 478.513, and 478.600, and the enactment of section 478.740 of this act shall be in full force and effect upon its passage and approval.

Approved July 8, 2014

HB 1237 [HCS HB 1237]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Extends allocation of income tax revenues from nonresident entertainers and athletes until December 31, 2020

AN ACT to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer income taxes.

SECTION

A. Enacting clause.

143.183. Professional athletes and entertainers, state income tax revenues from nonresidents — transfers to Missouri arts council trust fund, Missouri humanities council trust fund, Missouri state library networking fund, Missouri public television broadcasting corporation special fund and Missouri historic preservation revolving fund.

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

SECTION A. ENACTING CLAUSE. — Section 143.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.183, to read as follows:

143.183. PROFESSIONAL ATHLETES AND ENTERTAINERS, STATE INCOME TAX REVENUES FROM NONRESIDENTS — TRANSFERS TO MISSOURI ARTS COUNCIL TRUST FUND, MISSOURI HUMANITIES COUNCIL TRUST FUND, MISSOURI STATE LIBRARY NETWORKING FUND, MISSOURI PUBLIC TELEVISION BROADCASTING CORPORATION SPECIAL FUND AND MISSOURI HISTORIC PRESERVATION REVOLVING FUND. — 1. As used in this section, the following terms mean:

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a

corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer. For purposes of this section, the term "person, venue, or entity who pays compensation" shall not be construed to include any person, venue, or entity that is exempt from taxation under 26 U.S.C. Section 501(c)(3), as amended, and that pays an amount to the nonresident entertainer for the entertainer's appearance but receives no benefit from the entertainer's appearance other than the entertainer's performance.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, [2015] **2020**, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **twenty-one** years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred, **subject to appropriations**, from the general revenue fund to the Missouri arts council trust fund established in section 185.100 and any amount transferred shall be in addition to such agency's budget base for each fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2020**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **twenty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred, **subject to appropriations**, from the general revenue fund to the Missouri humanities council trust fund established in section 186.055 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2020**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **twenty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred, **subject to appropriations**, from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 185.200 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2020**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **twenty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred, **subject to appropriations**, from the general revenue fund to the Missouri public television broadcasting corporation special fund, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2020**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **twenty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred, **subject to appropriations**, from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402 and any amount transferred shall be in addition to such agency's budget base for each fiscal year. [As authorized pursuant to subsection 2 of section 30.953, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100 and the Missouri humanities council trust fund established pursuant to section 186.055. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council

trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.]

10. This section shall not be construed to apply to any person who makes a presentation for professional or technical education purposes or to apply to any presentation that is part of a seminar, conference, convention, school, or similar program format designed to provide professional or technical education.

Approved June 20, 2014

HB 1238 [SCS HB 1238]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding court costs

AN ACT to repeal sections 488.012, 488.426, and 488.607, RSMo, and to enact in lieu thereof five new sections relating to court costs.

SECTION

- A. Enacting clause.
- 488.012. Clerk to collect — supreme court to set amount — amount prior to adjustment.
- 488.426. Deposit required in civil actions — exemptions — surcharge to remain in effect — additional fee for adoption and small claims court (Franklin County) — expiration date.
- 488.607. Additional surcharges authorized for municipal and associate circuit courts for cities and towns having shelters for victims of domestic violence, amount, exceptions.
- 488.2206. Circuit No. 37, additional surcharge for a county or municipal judicial facility.
- 488.2235. Additional court costs, used for municipal court house (Kansas City).

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

SECTION A. ENACTING CLAUSE. — Sections 488.012, 488.426, and 488.607, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 488.012, 488.426, 488.607, 488.2206, and 488.2235, to read as follows:

488.012. CLERK TO COLLECT — SUPREME COURT TO SET AMOUNT — AMOUNT PRIOR TO ADJUSTMENT. — 1. Beginning July 1, 1997, the clerk of each court of this state responsible for collecting court costs shall collect the court costs authorized by statute, in such amounts as are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and surcharges.

3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be collected:

- (1) Five dollars for the filing of a lien, pursuant to section 429.090;
 - (2) Ten dollars for maintaining child support enforcement records, pursuant to section 452.345;
 - (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section 473.618;
 - (4) Three dollars for receiving and keeping a will, pursuant to section 474.510;
 - (5) Seven dollars for the statewide court automation fund, pursuant to section [476.053] **488.027**;
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(6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance violations filed before an associate circuit judge and thirty dollars for applications for a trial de novo of a municipal ordinance violation, pursuant to section 479.260;

(7) Five dollars for small claims court cases where less than one hundred dollars is in dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345;

(8) Fifty dollars for appeals, pursuant to section 483.500;

(9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo, pursuant to section 483.530;

(10) Forty-five dollars for applications for a trial de novo for misdemeanor cases, pursuant to section 483.530;

(11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section 483.530;

(12) Thirty dollars for each information or indictment filed in felony cases, pursuant to section 483.530;

(13) Fifteen dollars for each associate circuit court case filed, and one dollar for each additional summons issued in such cases, pursuant to section 483.530;

(14) Forty-five dollars for applications for trial de novo from small claims court and associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530;

(15) One dollar and fifty cents for a certificate of naturalization, pursuant to section 483.535;

(16) When letters are applied for in probate proceedings, pursuant to section 483.580, when the value of the estate is:

(a) Less than \$10,000. \$ 75.00

(b) From \$10,000 to \$25,000. 115.00

(c) From \$25,000 to \$50,000. 155.00

(d) From \$50,000 to \$100,000 245.00

(e) From \$100,000 to \$500,000. 305.00

(f) More than \$500,000. 365.00;

(17) Thirty dollars for each additional twelve months a decedent's estate remains open, pursuant to section 483.580;

(18) In proceedings regarding guardianships and conservatorships, pursuant to section 483.580:

(a) Twenty-five dollars for each grant of letters for guardianship of a minor;

(b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;

(c) Sixty dollars for each grant of letters for guardianship of the person and conservatorship of the estate of a minor;

(d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's estate case remains open;

(e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of incapacitated persons and their estates;

(f) Thirty dollars for each additional twelve months an incapacitated person's case remains open;

(19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section 483.580;

(20) In probate proceedings, pursuant to section 483.580:

(a) Thirty-five dollars for the collection of small estates;

(b) Thirty-five dollars for involuntary hospitalization proceedings;

(c) Thirty dollars for proceedings to determine heirship;

(d) Fifteen dollars for assessment of estate taxes where no letters are granted;

(e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;

(f) Forty dollars for proceedings to dispense with administration;

(g) Twenty dollars for proceedings to dispense with conservatorship;

- (h) Twenty-five dollars for admitting a will to probate;
- (i) One dollar per copied page and one dollar and fifty cents per certificate;
- (21) One dollar and fifty cents per page for testimony transcription, pursuant to section [485.100] **488.2250**;
- (22) Fifteen dollars for court reporters, pursuant to section [485.120] **488.2253**;
- (23) Three dollars for witness fees per day, and four dollars when the witness must travel to another county, pursuant to section 491.280.

488.426. DEPOSIT REQUIRED IN CIVIL ACTIONS — EXEMPTIONS — SURCHARGE TO REMAIN IN EFFECT — ADDITIONAL FEE FOR ADOPTION AND SMALL CLAIMS COURT (FRANKLIN COUNTY)—EXPIRATION DATE. — 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than [ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants] **one hundred one thousand but fewer than one hundred fifteen thousand inhabitants** may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, [2014] **2019**.

488.607. ADDITIONAL SURCHARGES AUTHORIZED FOR MUNICIPAL AND ASSOCIATE CIRCUIT COURTS FOR CITIES AND TOWNS HAVING SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE, AMOUNT, EXCEPTIONS. — The governing body of any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters in another county, may, by order or ordinance provide for an additional surcharge in [the] **an** amount of [two] **up to four** dollars per case for each criminal case, including violations of any county or municipal ordinance. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230.

488.2206. CIRCUIT NO. 37, ADDITIONAL SURCHARGE FOR A COUNTY OR MUNICIPAL JUDICIAL FACILITY. — 1. **In addition to all court fees and costs prescribed by law, a**

surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirty-first judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge.

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, construction, maintenance, and operation of any county or municipal judicial facility including, but not limited to, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively.

488.2235. ADDITIONAL COURT COSTS, USED FOR MUNICIPAL COURT HOUSE (KANSAS CITY). — 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to five dollars per case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the restoration, maintenance and upkeep of the municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds for the cost of restoration, maintenance and upkeep of the courthouse.

4. The provisions of this section shall expire August 28, 2021.

Approved July 8, 2014

HB 1245 [HB 1245]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Eliminates multiple versions of certain statutes

AN ACT to repeal section 208.275 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 555 merged with senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session and section 208.275 as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, and

section 301.580 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 301.3166 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 301.3168 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 301.3170 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 350.016 as enacted by house committee substitute for senate bill no. 84, eighty-seventh general assembly, first regular session, and section 390.280 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, ninety-sixth general assembly, second regular session, and section 407.300 as enacted by conference committee substitute for senate committee substitute for house bill no. 103, ninety-seventh general assembly, first regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, for the sole purpose of repealing multiple versions of statutes.

SECTION

- A. Enacting clause.
- 208.275. Coordinating council on special transportation, creation—members, qualifications, appointment, terms, expenses—staff—powers—duties.
- 208.275. Coordinating council on special transportation, creation—members, qualifications, appointment, terms, expenses—staff—powers—duties.
- 301.580. Special event motor vehicle auction license, requirements, fee—corporate surety bond required—rulemaking authority.
- 301.3166. National Wild Turkey Federation special license plate, application, fee.
- 301.3168. PROUD SUPPORTER (American Red Cross) special license plate, application, fee.
- 301.3170. National Rifle Association special license plate, application, fee.
- 350.016. Restriction on corporate farming, exceptions, certain counties engaging in production of swine.
- 390.280. Certificates issued prior to January 1, 1995, void, when—certificate owners qualified as registered property carriers, when—hazardous materials, transportation of, effect of law upon—geographic restriction void, when.
- 407.300. Copper wire or cable, catalytic converters, collectors and dealers to keep register, information required—penalty—exempt transactions.
- 476.055. Statewide court automation fund created, administration, committee, members—powers, duties, limitation—unauthorized release of information, penalty—report—expiration date.

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

SECTION A. ENACTING CLAUSE.—Section 208.275 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 555 merged with senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session and section 208.275 as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, and section 301.580 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 301.3166 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 301.3168 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 301.3170 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular

session, and section 350.016 as enacted by house committee substitute for senate bill no. 84, eighty-seventh general assembly, first regular session, and section 390.280 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, ninety-sixth general assembly, second regular session, and section 407.300 as enacted by conference committee substitute for senate committee substitute for house bill no. 103, ninety-seventh general assembly, first regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, RSMo, are repealed as follows:

[208.275. COORDINATING COUNCIL ON SPECIAL TRANSPORTATION, CREATION — MEMBERS, QUALIFICATIONS, APPOINTMENT, TERMS, EXPENSES — STAFF — POWERS — DUTIES. — 1. As used in this section, unless the context otherwise indicates, the following terms mean:

(1) "Elderly", any person who is sixty years of age or older;

(2) "Person with a disability", any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation.

2. There is hereby created the "Coordinating Council on Special Transportation" within the Missouri department of transportation. The members of the council shall be: two members of the senate appointed by the president pro tem, who shall be from different political parties; two members of the house of representatives appointed by the speaker, who shall be from different political parties; the assistant for transportation of the Missouri department of transportation, or his designee; the assistant commissioner of the department of elementary and secondary education, responsible for special transportation, or his designee; the director of the division of aging of the department of social services, or his designee; the deputy director for developmental disabilities and the deputy director for administration of the department of mental health, or their designees; the executive secretary of the governor's committee on the employment of the persons with a disability; and seven consumer representatives appointed by the governor by and with the advice and consent of the senate, four of the consumer representatives shall represent the elderly and three shall represent persons with a disability. Two of such three members representing persons with a disability shall represent those with physical disabilities. Consumer representatives appointed by the governor shall serve for terms of three years or until a successor is appointed and qualified. Of the members first selected, two shall be selected for a term of three years, two shall be selected for a term of two years, and three shall be selected for a term of one year. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

3. State agency personnel shall serve on the council without additional appropriations or compensation. The consumer representatives shall serve without compensation except for receiving reimbursement for the reasonable and necessary expenses incurred in the performance of their duties on the council from funds appropriated to the department of transportation. Legislative members shall be reimbursed by their respective appointing bodies out of the contingency fund for such body for necessary expenses incurred in the performance of their duties.

4. Staff for the council shall be provided by the Missouri department of transportation. The department shall designate a special transportation coordinator who shall have had experience in the area of special transportation, as well as such other staff as needed to enable the council to perform its duties.

5. The council shall meet at least quarterly each year and shall elect from its members a chairman and a vice chairman.
6. The coordinating council on special transportation shall:
 - (1) Recommend and periodically review policies for the coordinated planning and delivery of special transportation when appropriate;
 - (2) Identify special transportation needs and recommend agency funding allocations and resources to meet these needs when appropriate;
 - (3) Identify legal and administrative barriers to effective service delivery;
 - (4) Review agency methods for distributing funds within the state and make recommendations when appropriate;
 - (5) Review agency funding criteria and make recommendations when appropriate;
 - (6) Review area transportation plans and make recommendations for plan format and content;
 - (7) Establish measurable objectives for the delivery of transportation services;
 - (8) Review annual performance data and make recommendations for improved service delivery, operating procedures or funding when appropriate;
 - (9) Review local disputes and conflicts on special transportation and recommend solutions.]

[208.275. COORDINATING COUNCIL ON SPECIAL TRANSPORTATION, CREATION — MEMBERS, QUALIFICATIONS, APPOINTMENT, TERMS, EXPENSES — STAFF — POWERS — DUTIES. — 1. As used in this section, unless the context otherwise indicates, the following terms mean:

- (1) "Elderly", any person who is sixty years of age or older;
- (2) "Handicapped", any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation.

2. There is hereby created the "Coordinating Council on Special Transportation" within the Missouri department of transportation. The members of the council shall be: the assistant for transportation of the Missouri department of transportation, or his designee; the assistant commissioner of the department of elementary and secondary education, responsible for special transportation, or his designee; the director of the division of aging of the department of social services, or his designee; the deputy director for mental retardation/developmental disabilities and the deputy director for administration of the department of mental health, or their designees; the executive secretary of the governor's committee on the employment of the handicapped; and seven consumer representatives appointed by the governor by and with the advice and consent of the senate, four of the consumer representatives shall represent the elderly and three shall represent the handicapped. Two of such three members representing handicapped persons shall represent those with physical handicaps. Consumer representatives appointed by the governor shall serve for terms of three years or until a successor is appointed and qualified. Of the members first selected, two shall be selected for a term of three years, two shall be selected for a term of two years, and three shall be selected for a term of one year. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

3. State agency personnel shall serve on the council without additional appropriations or compensation. The consumer representatives shall serve without compensation except for receiving reimbursement for the reasonable and necessary expenses incurred in the performance of their duties on the council from funds appropriated to the department of transportation.

4. Staff for the council shall be provided by the Missouri department of transportation. The department shall designate a special transportation coordinator who shall have had experience in the area of special transportation, as well as such other staff as needed to enable the council to perform its duties.

5. The council shall meet at least quarterly each year and shall elect from its members a chairman and a vice chairman.

6. The coordinating council on special transportation shall:

(1) Recommend and periodically review policies for the coordinated planning and delivery of special transportation when appropriate;

(2) Identify special transportation needs and recommend agency funding allocations and resources to meet these needs when appropriate;

(3) Identify legal and administrative barriers to effective service delivery;

(4) Review agency methods for distributing funds within the state and make recommendations when appropriate;

(5) Review agency funding criteria and make recommendations when appropriate;

(6) Review area transportation plans and make recommendations for plan format and content;

(7) Establish measurable objectives for the delivery of transportation services;

(8) Review annual performance data and make recommendations for improved service delivery, operating procedures or funding when appropriate;

(9) Review local disputes and conflicts on special transportation and recommend solutions.

7. The provisions of this section shall expire on December 31, 2014.]

[301.580. SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE, REQUIREMENTS, FEE — CORPORATE SURETY BOND REQUIRED — RULEMAKING AUTHORITY. — 1. The department of revenue may issue special event motor vehicle auction licenses under the provisions of this section. For purposes of this section, a "special event motor vehicle auction" is a motor vehicle auction which:

(1) Ninety percent of the vehicles being auctioned are at least ten years old or older;

(2) The licensee shall auction no more than three percent of the total number of vehicles presented for auction which are owned and titled in the name of the licensee or its owners; and

(3) The duration is no more than three consecutive calendar days and is held no more than two times in a calendar year by a licensee.

2. A special event motor vehicle auction shall be considered a public motor vehicle auction for purposes of sections 301.559 and 301.564.

3. Special event motor vehicle auction licensees shall be exempt from the requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of section 301.560.

4. An application for a special event motor vehicle auction license must be received by the department at least ninety days prior to the beginning of the special event auction.

5. Applicants for a special motor vehicle auction are limited to no more than two special event auctions in any calendar year. A separate application is required for each special event motor vehicle auction.

6. At least ninety percent of the vehicles being auctioned at a special event motor vehicle auction shall be ten years old or older. The licensee shall, within ten days of the conclusion of a special event motor vehicle auction, submit a report in the form approved by the director to the department that includes the make, model, year, and

vehicle identification number of each vehicle included in the auction. Every vehicle included in the special event auction shall be listed, including those vehicles that were auctioned and sold and those vehicles that were auctioned but did not sell. Violation of this subsection is a class A misdemeanor.

7. The applicant for the special event motor vehicle auction shall be responsible for ensuring that a sales tax license or special event sales tax license is obtained for the event if one is required.

8. The fee for a special event motor vehicle auction license shall be one thousand dollars. For every vehicle auctioned in violation of subsection 6 of this section, an administrative fee of five hundred dollars shall be paid to the department. Such fees shall be deposited in like manner as other license fees of this section.

9. In addition to the causes set forth in section 301.562, the department may promulgate rules that establish additional causes to refuse to issue or to revoke a special event license.

10. A special motor vehicle auction shall last no more than three consecutive days.

11. The applicant for a special event motor vehicle auction shall be registered to conduct business in this state.

12. Every applicant for a special event motor vehicle auction license shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102 issued by any state or federal financial institution in the penal sum of one hundred thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the applicant complying with the provisions of the statutes applicable to a special event auction license holder and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the revocation or denial of a special event auction license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary. The aggregate liability of the surety or financial institution to the aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

13. No dealer, driveaway, auction, or wholesale plates, or temporary permit booklets, shall be issued in conjunction with a special event motor vehicle auction license.

14. Any person or entity who sells a vehicle at a special event motor vehicle auction shall provide, to the buyer, current contact information including, but not limited to, name, address, and telephone number.

15. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.]

[301.3166. NATIONAL WILD TURKEY FEDERATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law, any member of the National Wild Turkey Federation, after an annual payment of an emblem-use fee to the National Wild Turkey Federation, may receive personalized specialty license

plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Wild Turkey Federation hereby authorizes the use of its official emblem to be affixed on multiyear personalized specialty license plates as provided in this section. Any contribution to the National Wild Turkey Federation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Wild Turkey Federation. Any member of the National Wild Turkey Federation may annually apply for the use of the emblem.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the National Wild Turkey Federation, the National Wild Turkey Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a personalized specialty license plate which shall bear the emblem of the National Wild Turkey Federation. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, and prescribed by section 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words "National Wild Turkey Federation". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalized specialty plates issued under this section.

3. A vehicle owner who was previously issued a plate with the National Wild Turkey Federation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Wild Turkey Federation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a National Wild Turkey Federation specialty plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such personalized specialty license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.]

[301.3168. PROUD SUPPORTER (AMERICAN RED CROSS) SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the American Red Cross Trust Fund, may receive specialty personalized license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Chapter of the American Red Cross hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area

prescribed by the director of revenue and as provided in this section. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Red Cross. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Red Cross Trust Fund, the Missouri Chapter of the American Red Cross shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Missouri Chapter of the American Red Cross, and the words "PROUD SUPPORTER" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Missouri Chapter of the American Red Cross' emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Chapter of the American Red Cross' emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Missouri Chapter of the American Red Cross specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.]

[301.3170. NATIONAL RIFLE ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the National Rifle Association, after an annual payment of an emblem-use authorization fee to the National Rifle Association, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle

licensed in excess of eighteen thousand pounds gross weight. The National Rifle Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the National Rifle Association and the words "National Rifle Association" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Rifle Association emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.]

[350.016. RESTRICTION ON CORPORATE FARMING, EXCEPTIONS, CERTAIN COUNTIES ENGAGING IN PRODUCTION OF SWINE. — The restrictions set forth in section 350.015 shall not apply to agricultural land in counties located north of the Missouri River and west of the Chariton River and having a population of more than three thousand five hundred and less than seven thousand inhabitants which border at least two other counties having a population of more than three thousand five hundred and less than seven thousand inhabitants which is used by a corporation or limited partnership for the production of swine or swine products.]

[390.280. CERTIFICATES ISSUED PRIOR TO JANUARY 1, 1995, VOID, WHEN — CERTIFICATE OWNERS QUALIFIED AS REGISTERED PROPERTY CARRIERS, WHEN — HAZARDOUS MATERIALS, TRANSPORTATION OF, EFFECT OF LAW UPON — GEOGRAPHIC RESTRICTION VOID, WHEN. — 1. Certificates or permits, or both, which were issued before January 1, 1995, and which authorized a person to transport any property in intrastate commerce by motor vehicle as a common carrier or contract carrier, or both, are void, except that to the extent such certificates or permits, or portions thereof, authorized a person to transport household goods over irregular routes or passengers in intrastate commerce, or any property or passengers in interstate commerce, those certificates or permits, or portions thereof, are exempt from the provisions of this subsection.

2. Persons who owned certificates or permits, or both, that were in active status with the division on December 31, 1994, and persons to whom the division issued certificates and permits after December 31, 1994, pursuant to emergency rules adopted

by the division, are deemed to be qualified as registered property carriers, unless the person's certificate or permit has been suspended, revoked or transferred to another person as provided by law. A person deemed qualified pursuant to this subsection is not required to file an application pursuant to section 390.290 to continue providing intrastate transportation as a registered property carrier, but rather, upon such person's compliance with the licensing and insurance requirements of the division the person is deemed to have a property carrier registration in force as required pursuant to section 390.270, authorizing the person to transport property except household goods in intrastate commerce on the public highways, unless the person's property carrier registration is suspended, revoked or transferred to another person as provided by law. Within a reasonable time after August 28, 1996, the division shall issue property carrier registrations to all persons who are deemed to be qualified as registered property carriers and deemed to have property carrier registrations in force pursuant to this subsection.

3. Notwithstanding any provision of this section to the contrary, this section shall not be construed as authorizing any person to transport any hazardous material as designated in Title 49, Code of Federal Regulations, except hazardous materials which that person was expressly authorized to transport in intrastate commerce within this state on August 28, 1996. A person may file an application for property carrier registration pursuant to section 390.290 to transport additional hazardous materials. Nothing in this section shall be construed to conflict with chapter 260, or of relieving an applicant of any duty to obtain a license pursuant to chapter 260.

4. Notwithstanding any provision of the law, any geographic restriction or provision limiting the carrier's scope of authority to particular routes within this state contained in a certificate or permit, or both, authorizing the transportation of household goods in intrastate commerce, which was issued prior to August 28, 2012, and any similar provision contained in a carrier's tariff schedule filed prior to such date, shall be deemed void. In lieu of the geographic restrictions expressed in such certificates, permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate transportation of household goods between all points and destinations within the state until such time the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority. Nothing contained in the provisions of sections 390.051 to 390.116 shall be construed to exempt or to alter the obligation of compliance by carriers transporting passengers point-to-point within the jurisdiction described in 67.1802 from the provisions of sections 67.1800 to 67.1822.]

[407.300. COPPER WIRE OR CABLE, CATALYTIC CONVERTERS, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED — PENALTY — EXEMPT TRANSACTIONS. — 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

- (1) Copper, brass, or bronze;
- (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
- (3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; or
- (4) Catalytic converter;

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the

material is obtained, which shall contain a current address of the person from whom the material is obtained, and the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof.

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

3. Anyone convicted of violating this section shall be guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars, unless the scrap metal is a catalytic converter;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.]

[476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2015, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and

implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, 2015. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2017.

10. This section shall expire on September 1, 2017.]

Approved June 23, 2014

HB 1270 [SS SCS HB 1270]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires specified disclosures on new credit card processing service contracts

AN ACT to amend chapter 407, RSMo, by adding thereto one new section relating to credit card processing services.

SECTION

A. Enacting clause.
407.1400. Processing services agreements, required disclosures — inapplicability, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1400, to read as follows:

407.1400. PROCESSING SERVICES AGREEMENTS, REQUIRED DISCLOSURES — INAPPLICABILITY, WHEN. — 1. Any person or entity that offers a credit card processing service in this state shall disclose the following information on any contract or agreement to render a credit card processing service:

- (1) The effective date of the contract;**
- (2) The term of the contract;**
- (3) The amount of any monthly minimum fee or charge for the credit card processing service; and**
- (4) The amount of any fee or charge for terminating the contract or agreement.**

2. The disclosures required in subsection 1 of this section and any other terms and conditions pertaining to the use of the credit card processing service shall be printed in eight-point font at a minimum.

3. Nothing in this section shall limit the rights or remedies that are otherwise available to a person or an entity that has contracted with a credit card processing service.

4. The obligations of this section are cumulative and do not limit the obligations imposed under any other state or federal law.

5. The provisions of this section shall not apply to:

- (1) A state bank or a state savings association that offers a credit card processing service or is a party to a contract that offers a credit card processing service; or**
- (2) A national bank or a national savings association that offers a credit card processing service or is a party to a contract that offers a credit card processing service in connection with a national bank or national savings association; or**
- (3) The parent, affiliate, or subsidiary of any bank or savings association that offers a credit card processing service; or**
- (4) A credit union that offers a credit card processing service or is a party to a contract that offers a credit card processing service; or**
- (5) The parent, affiliate, or subsidiary of any credit union that offers a credit card processing service; or**
- (6) A trade or business organization or association that offers a credit card processing service or is a party to a contract that offers a credit card processing service.**

6. The provisions of this section shall only apply to new contracts entered into after August 28, 2014.

Approved June 27, 2014

HB 1298 [HCS HRB 1298]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Revision Bill

AN ACT to repeal sections 8.305, 21.485, 21.800, 21.801, 21.910, 82.291, 105.915, 143.811, 160.254, 160.534, 160.932, 160.933, 168.081, 168.083, 171.033, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 301.129, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, and to enact in lieu thereof eleven new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with a penalty provision.

SECTION

- A. Enacting clause.
- 105.915. Board to administer plan — written agreement required — immunity from liability, when — automatic designation of surviving spouse as primary beneficiary, when.
- 143.811. Interest on overpayment.
- 160.254. General assembly joint committee on education created — appointment, meetings, chairman, quorum, duties, expenses.
- 160.534. Excursion gambling boat proceeds, transfer to classroom trust fund.
- 168.081. Teaching or acting as school administrator without certificate prohibited.
- 171.033. Make-up of days lost or cancelled, number required — exemption, when — waiver for schools in session twelve months of year, granted when.
- 196.1035. Judicial review of director's decision not to list — compliance agreement required — rulemaking authority — funds created.
- 208.955. Committee established, members, duties — issuance of findings — subcommittee designated, duties, members.
- 407.485. Unwanted household items, collection of deemed unfair business practice, when — receptacles, requirements.
- 443.805. License required to broker residential mortgage.
- 542.301. Disposition of unclaimed seized property — forfeiture to the state, when — allegedly obscene matter, how treated — appeal authorized.
 - 8.305. Appliances purchased shall be energy star under federal program — exemptions, when — expiration date.
- 21.485. Study on governance in urban school districts — report.
- 21.800. Joint committee on terrorism, bioterrorism, and homeland security established, members, duties, meetings, expenses, report — expires, when.
 - 21.801. Committee created, members, meetings — report, content — subcommittee created — expiration.
 - 21.910. Committee created, members, duties — report — expiration.
 - 82.291. Derelict vehicle, removal as a nuisance (Hazelwood) — definition, procedure — termination date.
 - 160.932. Pilot program for a part-time child-find coordinator (St. Louis).
 - 160.933. Program fund created, use of moneys — rulemaking authority.
 - 168.083. Temporary administrator certificate granted, when — mentoring program developed — expiration date.
 - 191.115. Alzheimer's State Plan Task Force established, members, duties, meetings, report — expiration date.
 - 192.105. Water quality testing system, feasibility of — report.
 - 197.291. Technical advisory committee on quality of patient care and nursing practices established, members, appointment, duties.
- 262.950. Board created, definitions, members, mission, duties — report — meetings — expiration date.
- 301.129. Advisory committee, duties, members, public meetings, expenses, dissolution of committee.
- 311.489. Permit for sales at specified festival events, issued when — promotional association defined — procedure — permit holder responsible for any alcohol violations, civil fine — expires, when (Kansas City).
- 374.776. Study on licensure and policies of bail bond industry, hearings, report.
- 376.825. Title.
- 376.826. Definitions.
 - 376.827. Requirements for mental illness coverage — parity with coverage provided for physical conditions.
 - 376.830. Services administered and delivered by whom — contracted services permitted, when.
 - 376.833. Inapplicability of section 376.827, when — waiver granted to policyholder, when.
 - 376.836. Effective date — study conducted by director, contents, report to general assembly — exclusions — expiration date.
- 383.250. Health care stabilization fund feasibility board created, duties, report — members — appointment, meetings, reports — powers — staff — compensation — expiration date.
- 393.171. Incorporation and franchises, permission and approval after instruction and acquisition of plant permitted, when — expiration date.
- 488.2205. 30th judicial circuit to collect surcharge, when — use of funds — expiration.
- 620.602. Joint committee on policy and planning, established — members, appointment of, expenses — meetings, officers, duties — expiration date.
- 630.461. Review committee for purchasing established, duties — members, qualifications — recommendations due when, failure to recommend, effect — committee disbanded, January 1, 1996.

- 633.410. Definitions — provider certification fee required, formula — fund created, use of moneys — rulemaking authority.
- 640.850. Committee to be convened, purpose, report.
- 650.120. Grants to fund investigations of internet sex crimes against children — fund created — panel, membership, terms — local matching amounts — priorities — training standards — information sharing — panel recommendation — power of arrest — sunset provision.
- 660.425. Home services providers tax imposed, definitions.
- 660.430. Amount of tax, formula — rulemaking authority — appeals.
- 660.435. List of vendors to be provided — record-keeping requirements — report of total payments.
- 660.440. Effective date of tax.
- 660.445. Determination of tax amount — notification to provider — quarterly tax adjustments permitted.
- 660.450. Offset of tax permitted, when.
- 660.455. Remittance of tax — fund created — record-keeping requirements.
- 660.460. Notification of taxes due — unpaid or delinquent amounts, effect of — failure to pay, penalty.
- 660.465. Expiration date.
- 701.058. Stakeholder meetings, permits and inspections of systems — report.
- 701.502. Study to be conducted — report, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 8.305, 21.485, 21.800, 21.801, 21.910, 82.291, 105.915, 143.811, 160.254, 160.534, 160.932, 160.933, 168.081, 168.083, 171.033, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 301.129, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 105.915, 143.811, 160.254, 160.534, 168.081, 171.033, 196.1035, 208.955, 407.485, 443.805, and 542.301, to read as follows:

EXPLANATION: The two ex officio members' terms have expired.

105.915. BOARD TO ADMINISTER PLAN — WRITTEN AGREEMENT REQUIRED — IMMUNITY FROM LIABILITY, WHEN — AUTOMATIC DESIGNATION OF SURVIVING SPOUSE AS PRIMARY BENEFICIARY, WHEN. — 1. The board of trustees of the Missouri state employees' retirement system shall administer the deferred compensation fund for the employees of the state of Missouri that was previously administered by the deferred compensation commission, as established in section 105.910, prior to August 28, 2007. The board shall be vested with the same powers that it has under chapter 104 to enable it and its officers, employees, and agents to administer the fund under sections 105.900 to 105.927. [Two of the commissioners serving on the deferred compensation commission immediately prior to the transfer made to the board under section 105.910 shall serve as ex officio members of the board solely to participate in the duties of administering the deferred compensation fund. One such commissioner serving as an ex officio board member shall be a member of the house of representatives selected by the speaker of the house of representatives, and such commissioner's service on the board shall cease on December 31, 2009. The other commissioner serving as an ex officio board member shall be the chairman of the deferred compensation commission immediately prior to the transfer made to the board under section 105.910, and such commissioner's service on the board shall cease December 31, 2008.]

2. Except as provided in this subsection, participation in such plan shall be by a specific written agreement between state employees and the state, which shall provide for the deferral of such amounts of compensation as requested by the employee subject to any limitations imposed under federal law. Participating employees must authorize that such deferrals be made from their wages for the purpose of participation in such program. An election to defer compensation shall be made before the beginning of the month in which the compensation is paid. Contributions shall be made for payroll periods occurring on or after the first day of the month after the election

is made. Each employee eligible to participate in the plan hired on or after July 1, 2012, shall be enrolled in the plan automatically and his or her employer shall, in accordance with the plan document, withhold and contribute to the plan an amount equal to one percent of eligible compensation received on and after the date of hire, unless the employee elects not to participate in the plan within the first thirty days of employment, and in that event, any amounts contributed and earnings thereon will be refunded by the plan to the employee pursuant to the procedure contained in the plan documents. Employees who are employed by a state college or university shall not be automatically enrolled but may elect to participate in the plan and make contributions in accordance with the terms of the plan. Employees who are enrolled automatically may elect to change the contribution rate in accordance with the terms of the plan. Employees who elect not to participate in the plan may at a later date elect to participate in the plan and make contributions in accordance with the terms of the plan. All assets and income of such fund shall be held in trust by the board for the exclusive benefit of participants and their beneficiaries. Assets of such trust, and the trust established pursuant to section 105.927, may be pooled solely for investment management purposes with assets of the trust established under section 104.320.

3. Notwithstanding any other provision of sections 105.900 to 105.927, funds held for the state by the board in accordance with written deferred compensation agreements between the state and participating employees may be invested in such investments as are deemed appropriate by the board. All administrative costs of the program described in this section, including staffing and overhead expenses, may be paid out of assets of the fund, which may reduce the amount due participants in the fund. Such investments shall not be construed to be a prohibited use of the general assets of the state.

4. Investments offered under the deferred compensation fund for the employees of the state of Missouri shall be made available at the discretion of the board.

5. The board and employees of the Missouri state employees' retirement system shall be immune from suit and shall not be subject to any claim or liability associated with any administrative actions or decisions made by the commission with regard to the deferred compensation program prior to the transfer made to the board under section 105.910.

6. The board and employees of the system shall not be liable for the investment decisions made or not made by participating employees as long as the board acts with the same skill, prudence, and diligence in the selection and monitoring of providers of investment products, education, advice, or any default investment option, under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of a similar enterprise with similar aims.

7. The system shall be immune from suit and shall not be subject to any claim or liability associated with the administration of the deferred compensation fund by the board and employees of the system.

8. Beginning on or after September 1, 2011, if a participant under the deferred compensation plan or the plan established under section 105.927 is married on the date of his or her death, the participant's surviving spouse shall be automatically designated as the primary beneficiary under both plans, unless the surviving spouse consented in writing, witnessed by a notary public, to allow the participant to designate a nonspouse beneficiary. As used in this subsection, "surviving spouse" means the spouse as defined pursuant to section 104.012 to whom the participant is lawfully married on the date of death of the participant, provided that a former spouse shall be treated as the surviving spouse of the participant to the extent provided under a judgment, decree, or order that relates to child support, alimony payments, or marital property rights made under Missouri domestic relations law that creates or recognizes the existence of such former spouse's right to receive all or a portion expressed as a stated dollar amount or specific percentage stated in integers of the benefits payable from such plan upon the death of the participant. This subsection shall not apply to beneficiary designations made prior to September 1, 2011.

9. The board may adopt and amend plan documents to change the terms and conditions of the deferred compensation plan and the plan established under section 105.927 that are consistent with federal law.

EXPLANATION: A portion of subsection 7 of this section applied to a transfer of moneys for FY2003.

143.811. INTEREST ON OVERPAYMENT. — 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year to which such amount constitutes a credit or payment.

3. For purposes of this section with respect to any withholding tax:

(1) If a return for any period ending with or within a calendar year is filed before April fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be considered paid on April fifteenth of such succeeding calendar year.

4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded within four months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within four months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded within ninety days after the last date prescribed or permitted by extension of time for filing the return of such tax, no interest shall be allowed under this section on overpayment.

6. Any overpayment resulting from a carryback, including a net operating loss and a corporate capital loss, shall be deemed not to have been made prior to the close of the taxable year in which the loss arises.

7. Any overpayment resulting from a carryback of a tax credit, including but not limited to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been made prior to the close of the taxable year in which the tax credit was authorized. [In fiscal year 2003, the commissioner of administration shall estimate the amount of any additional state revenue received pursuant to the provisions of this subsection and shall transfer an equivalent amount of general revenue to the schools of the future fund created in section 163.005.]

EXPLANATION: The authority for an interim committee under subsection 5 expired 01-29-10 (report submitted by deadline).

160.254. GENERAL ASSEMBLY JOINT COMMITTEE ON EDUCATION CREATED — APPOINTMENT, MEETINGS, CHAIRMAN, QUORUM, DUTIES, EXPENSES. — 1. There is hereby

established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006 and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093 to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

5. [During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.

6.] The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating board for higher education, the state tax commission, the department of

economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

[7.] **6.** Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

EXPLANATION: Subsection 2 expired 07-01-10 and subsection 3 expired 07-01-09.

160.534. EXCURSION GAMBLING BOAT PROCEEDS, TRANSFER TO CLASSROOM TRUST FUND. — [1.] For fiscal year 1996 and each subsequent fiscal year, any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303 shall be transferred to the classroom trust fund. Such moneys shall be distributed in the manner provided in section 163.043.

[2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated to the school district bond fund in accordance with section 164.303 shall be deposited into the schools first elementary and secondary education improvement fund. The provisions of this subsection shall terminate on July 1, 2010.

3. The amounts deposited in the schools first elementary and secondary education improvement fund pursuant to this section shall constitute new and additional funding for elementary and secondary education and shall not be used to replace existing funding provided for elementary and secondary education. The provisions of this subsection shall terminate on July 1, 2009.]

EXPLANATION: This section contains an intersectional reference for a Section 168.083 which is repealed in this act.

168.081. TEACHING OR ACTING AS SCHOOL ADMINISTRATOR WITHOUT CERTIFICATE PROHIBITED. — After September 1, 1988, no person without a valid Missouri certificate shall:

(1) Engage in the practice of teaching or the performance of education duties in grades kindergarten through twelve in any public school in the state;

(2) Act as a school administrator in any public school district[, unless such person obtains a temporary administrator certificate pursuant to section 168.083].

EXPLANATION: Subsection 3 of this section applies only to a past school year.

171.033. MAKE-UP OF DAYS LOST OR CANCELED, NUMBER REQUIRED — EXEMPTION, WHEN — WAIVER FOR SCHOOLS IN SESSION TWELVE MONTHS OF YEAR, GRANTED WHEN.

— 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

3. [In the 2008-09 school year a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

4.] In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

[5.] 4. The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather, flooding or fire.

EXPLANATION: Subsection 3 of this section applies only to calendar year 2010.

196.1035. JUDICIAL REVIEW OF DIRECTOR'S DECISION NOT TO LIST — COMPLIANCE AGREEMENT REQUIRED — RULEMAKING AUTHORITY — FUNDS CREATED. — 1. A determination of the director not to list, or to remove from the directory, a brand family or tobacco product manufacturer shall be subject to review by a court of competent jurisdiction.

2. No person shall be issued, or granted a renewal of, a license under chapter 149 unless such person has certified, in writing and under the penalty of perjury, that such person will comply fully with sections 196.1020 to 196.1035.

3. [For the calendar year 2010, if the effective date of sections 196.1020 to 196.1035 is later than March 16, 2010:

(1) The first report of stamping agents required in subsection 1 of section 196.1029 shall be due thirty calendar days after July 7, 2010;

(2) The certification by a tobacco product manufacturer described in subsection 1 of section 196.1023 shall be due forty-five calendar days after July 7, 2010; and

(3) The directory described in subsection 2 of section 196.1023 shall be published, or made available, within one hundred thirty-five calendar days after July 7, 2010.

4.] The director may promulgate rules necessary to effect the purpose of sections 196.1020 to 196.1035. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

[5.] 4. There is hereby created in the state treasury the "Tobacco Control Special Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[6.] 5. If a court of competent jurisdiction determines that a person has violated sections 196.1020 to 196.1035, such court shall order any profits, gains, gross receipts, or other benefits from such violation be disgorged and paid to the state treasurer for deposit in the "Tobacco Control Special Fund" **which is hereby created**. Unless otherwise expressly provided, the remedies or penalties provided by sections 196.1020 to 196.1035 are cumulative to each other and to the remedies or penalties available under all other laws of this state.

[7.] 6. If a court of competent jurisdiction finds that the provisions of sections 196.1003 and 196.1020 to 196.1035 conflict and cannot be harmonized, the provisions of section 196.1003 shall control. If any section or portion of a section in sections 196.1020 to 196.1035 causes section 196.1003 to no longer constitute a qualifying or model statute, as those terms are defined in the master settlement agreement, that portion of sections 196.1020 to 196.1035 shall be invalid.

EXPLANATION: The subcommittee and reports required under subsections 3 to 7 of this section terminated 07-01-12.

208.955. COMMITTEE ESTABLISHED, MEMBERS, DUTIES — ISSUANCE OF FINDINGS — SUBCOMMITTEE DESIGNATED, DUTIES, MEMBERS. — 1. There is hereby established in the department of social services the "MO HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist of nineteen members as follows:

(1) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives;

(2) Two members of the Senate, one from each party, appointed by the president pro tem of the senate and the minority floor leader of the senate;

(3) One consumer representative who has no financial interest in the health care industry and who has not been an employee of the state within the last five years;

(4) Two primary care physicians, licensed under chapter 334, who care for participants, not from the same geographic area, chosen in the same manner as described in section 334.120;

(5) Two physicians, licensed under chapter 334, who care for participants but who are not primary care physicians and are not from the same geographic area, chosen in the same manner as described in section 334.120;

(6) One representative of the state hospital association;

(7) Two nonphysician health care professionals, the first nonphysician health care professional licensed under chapter 335 and the second nonphysician health care professional licensed under chapter 337, who care for participants;

(8) One dentist, who cares for participants, chosen in the same manner as described in section 332.021;

(9) Two patient advocates who have no financial interest in the health care industry and who have not been employees of the state within the last five years;

(10) One public member who has no financial interest in the health care industry and who has not been an employee of the state within the last five years; and

(11) The directors of the department of social services, the department of mental health, the department of health and senior services, or the respective directors' designees, who shall serve as ex officio members of the committee.

2. The members of the oversight committee, other than the members from the general assembly and ex officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve on the oversight committee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of social services for that purpose. The department of social services shall provide technical, actuarial, and administrative support services as required by the oversight committee. The oversight committee shall:

(1) Meet on at least four occasions annually, including at least four before the end of December of the first year the committee is established. Meetings can be held by telephone or video conference at the discretion of the committee;

(2) Review the participant and provider satisfaction reports and the reports of health outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices as required of the health improvement plans and the department of social services under section 208.950;

(3) Review the results from other states of the relative success or failure of various models of health delivery attempted;

(4) Review the results of studies comparing health plans conducted under section 208.950;

(5) Review the data from health risk assessments collected and reported under section 208.950;

(6) Review the results of the public process input collected under section 208.950;

(7) Advise and approve proposed design and implementation proposals for new health improvement plans submitted by the department, as well as make recommendations and suggest modifications when necessary;

(8) Determine how best to analyze and present the data reviewed under section 208.950 so that the health outcomes, participant and provider satisfaction, results from other states, health plan comparisons, financial impact of the various health improvement plans and models of care, study of provider access, and results of public input can be used by consumers, health care providers, and public officials;

(9) Present significant findings of the analysis required in subdivision (8) of this subsection in a report to the general assembly and governor, at least annually, beginning January 1, 2009;

(10) Review the budget forecast issued by the legislative budget office, and the report required under subsection (22) of subsection 1 of section 208.151, and after study:

(a) Consider ways to maximize the federal drawdown of funds;

(b) Study the demographics of the state and of the MO HealthNet population, and how those demographics are changing;

(c) Consider what steps are needed to prepare for the increasing numbers of participants as a result of the baby boom following World War II;

(11) Conduct a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state; and

(12) Perform other tasks as necessary, including but not limited to making recommendations to the division concerning the promulgation of rules and emergency rules so that quality of care, provider availability, and participant satisfaction can be assured.

3. [By July 1, 2011, the oversight committee shall issue findings to the general assembly on the success and failure of health improvement plans and shall recommend whether or not any health improvement plans should be discontinued.

4.] The oversight committee shall designate a subcommittee devoted to advising the department on the development of a comprehensive entry point system for long-term care that shall:

(1) Offer Missourians an array of choices including community-based, in-home, residential and institutional services;

(2) Provide information and assistance about the array of long-term care services to Missourians;

(3) Create a delivery system that is easy to understand and access through multiple points, which shall include but shall not be limited to providers of services;

- (4) Create a delivery system that is efficient, reduces duplication, and streamlines access to multiple funding sources and programs;
 - (5) Strengthen the long-term care quality assurance and quality improvement system;
 - (6) Establish a long-term care system that seeks to achieve timely access to and payment for care, foster quality and excellence in service delivery, and promote innovative and cost-effective strategies; and
 - (7) Study one-stop shopping for seniors as established in section 208.612.
- [5.] 4. The subcommittee shall include the following members:
- (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee chair;
 - (2) One member from a Missouri area agency on aging, designated by the governor;
 - (3) One member representing the in-home care profession, designated by the governor;
 - (4) One member representing residential care facilities, predominantly serving MO HealthNet participants, designated by the governor;
 - (5) One member representing assisted living facilities or continuing care retirement communities, predominantly serving MO HealthNet participants, designated by the governor;
 - (6) One member representing skilled nursing facilities, predominantly serving MO HealthNet participants, designated by the governor;
 - (7) One member from the office of the state ombudsman for long-term care facility residents, designated by the governor;
 - (8) One member representing Missouri centers for independent living, designated by the governor;
 - (9) One consumer representative with expertise in services for seniors or persons with a disability, designated by the governor;
 - (10) One member with expertise in Alzheimer's disease or related dementia;
 - (11) One member from a county developmental disability board, designated by the governor;
 - (12) One member representing the hospice care profession, designated by the governor;
 - (13) One member representing the home health care profession, designated by the governor;
 - (14) One member representing the adult day care profession, designated by the governor;
 - (15) One member gerontologist, designated by the governor;
 - (16) Two members representing the aged, blind, and disabled population, not of the same geographic area or demographic group designated by the governor;
 - (17) The directors of the departments of social services, mental health, and health and senior services, or their designees; and
 - (18) One member of the house of representatives and one member of the senate serving on the oversight committee, designated by the oversight committee chair.

Members shall serve on the subcommittee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of health and senior services for that purpose. The department of health and senior services shall provide technical and administrative support services as required by the committee.

[6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit its report to the governor and general assembly containing recommendations for the implementation of the comprehensive entry point system, offering suggested legislative or administrative proposals deemed necessary by the subcommittee to minimize conflict of interests for successful implementation of the system. Such report shall contain, but not be limited to, recommendations for implementation of the following consistent with the provisions of section 208.950:

- (1) A complete statewide universal information and assistance system that is integrated into the web-based electronic patient health record that can be accessible by phone, in-person, via

MO HealthNet providers and via the internet that connects consumers to services or providers and is used to establish consumers' needs for services. Through the system, consumers shall be able to independently choose from a full range of home, community-based, and facility-based health and social services as well as access appropriate services to meet individual needs and preferences from the provider of the consumer's choice;

(2) A mechanism for developing a plan of service or care via the web-based electronic patient health record to authorize appropriate services;

(3) A preadmission screening mechanism for MO HealthNet participants for nursing home care;

(4) A case management or care coordination system to be available as needed; and

(5) An electronic system or database to coordinate and monitor the services provided which are integrated into the web-based electronic patient health record.

7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide to the governor, lieutenant governor and the general assembly a yearly report that provides an update on progress made by the subcommittee toward implementing the comprehensive entry point system.

8.] 5. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.

EXPLANATION: Subsection 7 only applied to the first 6 months after August 28, 2009.

407.485. UNWANTED HOUSEHOLD ITEMS, COLLECTION OF DEEMED UNFAIR BUSINESS PRACTICE, WHEN — RECEPTACLES, REQUIREMENTS. — 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect unwanted household items via a public receptacle and resell the deposited items for profit unless the deposited item receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE."

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)."

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF OF (name of the nonprofit beneficiary organization's name)."

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE

SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause).".

5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

6. Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

7. [Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8.] All receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. The owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or his or her agent where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may remove the receptacle. Any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

[9.] 8. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014.

EXPLANATION: The exemption in subsection 3 expired June 1, 2010.

443.805. LICENSE REQUIRED TO BROKER RESIDENTIAL MORTGAGE. — 1. No person shall engage in the business of brokering, funding, servicing or purchasing of residential mortgage loans without first obtaining a license as a residential mortgage loan broker from the director, pursuant to sections 443.701 to 443.893 and the regulations promulgated thereunder. The licensing provisions of sections 443.805 to 443.812 shall not apply to any person engaged solely in commercial mortgage lending or to any person exempt as provided in section 443.703 or pursuant to regulations promulgated as provided in sections 443.701 to 443.893.

2. No person except a licensee or exempt person shall do any business under any name or title or circulate or use any advertising or make any representation or give any information to any person which indicates or reasonably implies activity within the scope of the provisions of sections 443.701 to 443.893.

[3. Any exempt entity as defined by section 443.803 on July 7, 2009, shall be exempt from the licensing requirements of this section until June 1, 2010. Any such exempt entities already licensed between July 8, 2009, and June 1, 2010, shall not be eligible for any refund of licensure fees.]

EXPLANATION: The transfer of revenue authorized in subsection 16 applied only to FY2003.

542.301. DISPOSITION OF UNCLAIMED SEIZED PROPERTY — FORFEITURE TO THE STATE, WHEN — ALLEGEDLY OBSCENE MATTER, HOW TREATED — APPEAL AUTHORIZED.

— 1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows:

(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession:

(a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;

(b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;

(c) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;

(d) A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the seized property has ceased to be useful as evidence, the property shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543;

(e) If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.

(2) Weapons, tools, devices, computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, and substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, and property, the possession of which is an offense under the laws of this state or which has been used by the owner, or used with the owner's acquiescence or

consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be used as a means of storage of anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.

2. The officer who has custody of the property shall inform the prosecuting attorney of the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a written motion with the court with which the motion to suppress has been, or may be, filed praying for an order directing the forfeiture of the property. If the prosecuting attorney of a county in which property is seized fails to file a motion with the court for the disposition of the seized property within sixty days of the request by a law enforcement officer, the officer having custody of the seized property may request the attorney general to file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. The signed motion shall be returned to the requesting agency. A motion may also be filed by any person claiming the right to possession of the property praying that the court declare the property not subject to forfeiture and order it delivered to the moving party.

3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge shall order notice to be given to all persons interested in the property, including the person out of whose possession the property was seized and any lienors, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons of unknown address by publication in a newspaper of general circulation in the county. Every interested person shall be given a reasonable opportunity to appear and to be heard as to the nature of the person's claim to the property and upon the issue of whether or not it is subject to forfeiture.

4. If the evidence is clear and convincing that the property in issue is in fact of a kind subject to forfeiture under this subsection, the judge shall declare it forfeited and order its destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence in a criminal proceeding shall be postponed until this need no longer exists.

5. If the forfeited property can be put to a lawful use, it may be ordered sold after any alterations which are necessary to adapt it to a lawful use have been made. In the case of computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, or other devices used in the acquisition, possession, or distribution of child pornography or obscene material, the law enforcement agency in possession of such items may, upon court order, retain possession of such property and convert such property to the use of the law enforcement agency for use in criminal investigations. If there is a holder of a bona fide lien against property which has been used as a means for committing an offense or which has been used as a raw material or as an instrument to manufacture or produce anything which is an offense to possess, who establishes that the use was without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The remaining amount shall be paid into the county treasury.

6. If the property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property.

7. When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene

and forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition or distribution to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state.

10. When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer or such person's agent. Such notice shall be served no less than five days before the hearing.

11. If the evidence is clear and convincing that the matter is obscene as defined by law, and that the obscene material was being held or displayed for sale, exhibition, distribution or circulation to the public or that the matter is pornographic for minors and that the pornographic material was being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order its destruction or other disposition. A determination that the matter is obscene in a criminal proceeding as well as a determination that such obscene material was held or displayed for sale, exhibition, distribution or circulation to the public or a determination that the matter is pornographic for minors in a criminal proceeding as well as a determination that such pornographic material was held or displayed for sale, exhibition, distribution or circulation to minors shall be clear and convincing evidence that such material should be forfeited to the state; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without a judge having thoroughly examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer, distributor or displayer has been charged and found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found

to have been held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

13. A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.

14. An appeal by any party shall be allowed from the judgment of the court as in other civil actions.

15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543.

[16. In fiscal year 2003, the commissioner of administration shall estimate the amount of any additional state revenue received pursuant to this section and section 447.532, shall transfer an equivalent amount of general revenue to the schools of the future fund created in section 163.005.]

EXPLANATION: This section expired 08-28-11.

[8.305. APPLIANCES PURCHASED SHALL BE ENERGY STAR UNDER FEDERAL PROGRAM — EXEMPTIONS, WHEN — EXPIRATION DATE. — 1. Any appliance purchased with state moneys or a portion of state moneys shall be an appliance that has earned the Energy Star under the Energy Star program co-sponsored by the United States Department of Energy and the United States Environmental Protection Agency. For purposes of this section, the term appliance shall have the same meaning as in section 144.526.

2. The commissioner of the office of administration may exempt any appliance from the requirements of subsection 1 of this section when the cost of compliance is expected to exceed the projected energy cost savings gained.

3. The provisions of this section shall expire on August 28, 2011.]

EXPLANATION: The report required under this section was due for submission by 12-31-09 (report submitted by the deadline).

[21.485. STUDY ON GOVERNANCE IN URBAN SCHOOL DISTRICTS — REPORT. — During the legislative interim between the first regular session of the ninety-fifth general assembly through December 31, 2009, the joint committee on education shall study the issue of governance in urban school districts containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivision of the state, teachers, administrators, school board members, all interested parties concerned about governance within the school districts identified in this section, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.]

EXPLANATION: This section expired 12-31-11.

[21.800. JOINT COMMITTEE ON TERRORISM, BIOTERRORISM, AND HOMELAND SECURITY ESTABLISHED, MEMBERS, DUTIES, MEETINGS, EXPENSES, REPORT — EXPIRES, WHEN. — 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts, including the feasibility of compiling information relevant to immigration enforcement issues;

(2) Devise a standard reporting system to obtain data on each state government agency that will provide information on each agency's terrorism and bioterrorism preparedness, and homeland security status at least biennially;

(3) Determine from its study and analysis the need for changes in statutory law; and

(4) Make any other recommendation to the general assembly necessary to provide adequate terrorism and bioterrorism protections, and homeland security to the citizens of the state of Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on December 31, 2011.]

EXPLANATION: This section expired on 01-01-13 (a report was due by 12-31-12 under subsection 4; report was submitted).

[21.801. COMMITTEE CREATED, MEMBERS, MEETINGS — REPORT, CONTENT — SUBCOMMITTEE CREATED — EXPIRATION. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Urban Agriculture".

2. The joint committee shall be composed of ten members. Five members shall be from the senate, with three members appointed by the president pro tem of the senate and two members appointed by the minority leader of the senate. Five members shall be from the house of representatives, with three members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives. All members of the Missouri general assembly not appointed in this subsection may be nonvoting, ex officio members of the joint committee. A majority of the appointed members of the joint committee shall constitute a quorum.

3. The joint committee shall meet within thirty days after it becomes effective and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The joint committee may meet at locations other than Jefferson City when the committee deems it necessary.

4. The committee shall prepare a final report together with its recommendations for any legislative action deemed necessary for submission to the speaker of the house of representatives, president pro tem of the senate, and the governor by December 31, 2012. The report shall study and make recommendations regarding the impact of urban farm cooperatives, vertical farming, and sustainable living communities in this state and shall examine the following:

(1) Trends in urban farming, including vertical farming, urban farm cooperatives, and sustainable living communities;

(2) Existing services, resources, and capacity for such urban farming;

(3) The impact on communities and populations affected; and

(4) Any needed state legislation, policies, or regulations.

5. The committee shall hold a minimum of one meeting at three urban regions in the state of Missouri to seek public input. The committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the committee considers advisable to carry out the provisions of this section.

6. The joint committee may solicit input and information necessary to fulfill its obligations from the general public, any state department, state agency, political subdivision of this state, or anyone else it deems advisable.

7. (1) The joint committee shall establish a subcommittee to be known as the "Urban Farming Advisory Subcommittee" to study, analyze, and provide background information, recommendations, and findings in preparation of each of the public hearings called by the joint committee. The subcommittee may also review draft recommendations of the joint committee, if requested. The subcommittee will meet as often as necessary to fulfill the requirements and time frames set by the joint committee.

(2) The subcommittee shall consist of twelve members, as follows:

(a) Four members shall include the directors of the following departments, or their designees:

a. Agriculture, who shall serve as chair of the subcommittee;

b. Economic development;

c. Health and senior services; and

- d. Natural resources; and
- (b) The chair shall select eight additional members, subject to approval by a majority of the joint committee, who shall have experience in or represent organizations associated with at least one of the following areas:
 - a. Sustainable energy;
 - b. Farm policy;
 - c. Urban botanical gardening;
 - d. Sustainable agriculture;
 - e. Urban farming or community gardening;
 - f. Vertical farming;
 - g. Agriculture policy or advocacy; and
 - h. Urban development.
- 8. Members of the committee and subcommittee shall serve without compensation but may be reimbursed for necessary expenses pertaining to the duties of the committee.
- 9. The staffs of senate research, the joint committee on legislative research, and house research may provide such legal, research, clerical, technical, and bill drafting services as the joint committee may require in the performance of its duties.
- 10. Any actual and necessary expenses of the joint committee, its members, and any staff assigned to the joint committee incurred by the joint committee shall be paid by the joint contingent fund.
- 11. The provisions of this section shall expire on January 1, 2013.]

EXPLANATION: This section expired on 01-01-11. (report due by 12-31-10; no report was submitted, the committee never met).

[21.910. COMMITTEE CREATED, MEMBERS, DUTIES — REPORT — EXPIRATION. — 1. There is hereby created the "Joint Committee on the Reduction and Reorganization of Programs within State Government". The committee shall be composed of thirteen members as follows:

- (1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;
 - (2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;
 - (3) The commissioner of the office of administration, or his or her designee;
 - (4) A representative of the governor's office; and
 - (5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.
2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term "program" shall have the same meaning as in section 23.253.
3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.
4. The members of the committee shall elect a chairperson and vice chairperson.
5. The committee shall submit a report to the general assembly by December 31, 2010, and such report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.
6. The provisions of this section shall expire on January 1, 2011.]

EXPLANATION: This section expired 08-28-10.

[82.291. DERELICT VEHICLE, REMOVAL AS A NUISANCE (HAZELWOOD) — DEFINITION, PROCEDURE — TERMINATION DATE.] — 1. For purposes of this section, "derelict vehicle" means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

2. The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassed as agricultural and horticultural property pursuant to Section 4(b), Article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

3. To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, 2010.]

EXPLANATION: The fund in this section applies to the pilot program in Section 160.932 which expired in 2011.

[160.932. PILOT PROGRAM FOR A PART-TIME CHILD-FIND COORDINATOR (ST. LOUIS).] — 1. Subject to appropriations, the department of elementary and secondary education shall implement a pilot program allowing the regional interagency coordinating council of the greater St. Louis system point of entry to hire a part-time child-find coordinator to conduct the child-find requirements under subsection 3 of section 160.910 for the region. The part-time child-find coordinator shall be hired, selected, and employed by the regional interagency coordinating council of the greater St. Louis system point of entry by July 1, 2008.

2. By September 1, 2010, the greater St. Louis system point of entry shall conduct a study on the effect of hiring the child-find coordinator under this section. The study shall be submitted to the department, the state interagency coordinating council and the general assembly.

3. The provisions of this section shall expire on September 1, 2011.]

EXPLANATION: The fund in this section applies to the pilot program in Section 160.932 which expired in 2011.

[160.933. PROGRAM FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY.] — 1. There is hereby created in the state treasury the "Part C Early Intervention Pilot Program Fund" for implementing the provisions of section 160.932. Moneys deposited in the fund shall be considered state funds under article IV, section

15 of the Missouri Constitution. The state treasurer shall be custodian of the fund and may disburse moneys from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for administration of section 160.932. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in subsection 1 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.

3. The department of elementary and secondary education shall promulgate rules to implement the provisions of section 160.932. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

EXPLANATION: This section expired 08-28-12.

[168.083. TEMPORARY ADMINISTRATOR CERTIFICATE GRANTED, WHEN — MENTORING PROGRAM DEVELOPED — EXPIRATION DATE. — 1. Any qualified applicant may be granted a temporary administrator certificate upon joint application with a Missouri public school district or accredited nonpublic school which establishes a mentoring program pursuant to subsection 2 of this section. The temporary administrator certificate is limited to the employing Missouri public school district or accredited nonpublic school. An applicant for a temporary administrator certificate may apply for only one area of certification at a time.

2. The employing Missouri public school district or accredited nonpublic school shall develop a mentoring program to provide adequate support to the holder of the temporary administrator certificate to ensure proper transition into the administrative environment.

3. The temporary administrator certificate of license to teach is valid for up to one school year. It may be renewed annually for up to four subsequent years by joint application from the certificate holder and employing Missouri public school district or accredited nonpublic school upon demonstration that the applicant is making continuous, measurable progress toward obtaining a full administrator certificate of license to teach. The state board of education shall establish specific standards as to what constitutes making measurable progress toward obtaining a full administrator certificate; provided that a full administrator certificate at that grade level shall be required after the fifth year of a temporary administrator certificate in order to retain administrator certification.

4. Applications for a Missouri temporary administrator certificate shall be submitted on forms provided and approved by the state board of education.

5. The state board of education shall promulgate rules and regulations for the issuance and renewal of temporary administrator certificates. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

6. As used in this section, the term "qualified applicant" shall mean a person who:

- (1) Holds a valid certificate of license to teach in Missouri;
 - (2) Has a master's degree or is currently enrolled in a master's degree program;
- and
- (3) Has at least five years of teaching experience in a public school, in an accredited nonpublic school, or in a combination of such schools at the grade level for which the temporary administrator certificate is sought.
7. The provisions of this section shall expire August 28, 2012.]

EXPLANATION: This section expired 11-01-12 (report due by 11-15-10 under subsection 6; report submitted on November 18, 2010).

[191.115. ALZHEIMER'S STATE PLAN TASK FORCE ESTABLISHED, MEMBERS, DUTIES, MEETINGS, REPORT — EXPIRATION DATE. — 1. There is hereby established in the department of health and senior services an "Alzheimer's State Plan Task Force". The task force shall consist of nineteen members, as follows:

- (1) The lieutenant governor or his or her designee, who shall serve as chair of the task force;
- (2) The directors of the departments of health and senior services, social services, and mental health or their designees;
- (3) One member of the house of representatives appointed by the speaker of the house;
- (4) One member of the senate appointed by the president pro tem of the senate;
- (5) One member who has early-stage Alzheimer's or a related dementia;
- (6) One member who is a family caregiver of a person with Alzheimer's or a related dementia;
- (7) One member who is a licensed physician with experience in the diagnosis, treatment, and research of Alzheimer's disease;
- (8) One member from the office of the state ombudsman for long-term care facility residents;
- (9) One member representing the home care profession;
- (10) One member representing residential long-term care;
- (11) One member representing the adult day services profession;
- (12) One member representing the insurance profession;
- (13) One member representing the area agencies on aging;
- (14) One member with expertise in minority health;
- (15) One member who is a licensed elder law attorney;
- (16) Two members from the leading voluntary health organization in Alzheimer's care, support, and research.

2. The members of the task force, other than the lieutenant governor, members from the general assembly, and department directors, shall be appointed by the governor with the advice and consent of the senate. Members shall serve on the task force without compensation.

3. The task force shall:

- (1) Assess the current and future impact of Alzheimer's disease and related dementia on residents of the state of Missouri;
- (2) Examine the existing services and resources addressing the needs of persons with dementia, their families, and caregivers; and
- (3) Develop recommendations to respond to the escalating public health situation regarding Alzheimer's.

4. The task force shall include an examination of the following in its assessment and recommendations required to be completed under subsection 3 of this section:

- (1) Trends in state Alzheimer's and related dementia populations and their needs, including but not limited to the state's role in long-term care, family caregiver support,

and assistance to persons with early-stage Alzheimer's, early onset of Alzheimer's, and individuals with Alzheimer's disease as a result of Down's Syndrome;

(2) Existing services, resources, and capacity, including but not limited to:

(a) Type, cost, and availability of services for persons with dementia, including home- and community-based resources, respite care to assist families, residential long-term care options, and adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's and related dementia;

(b) Dementia-specific training requirements for individuals employed to provide care for persons with dementia;

(c) Quality care measure for services delivered across the continuum of care;

(d) Capacity of public safety and law enforcement to respond to persons with Alzheimer's and related dementia;

(e) State support for Alzheimer's research through institutes of higher learning in Missouri;

(3) Needed state policies or responses, including but not limited to directions for the provision of clear and coordinated services and supports to persons and families living with Alzheimer's and related dementias and strategies to address any identified gaps in services.

5. The task force shall hold a minimum of one meeting at four diverse geographic regions in the state of Missouri during the calendar year to seek public input.

6. The task force shall submit a report of its findings and date-specific recommendations to the general assembly and the governor in the form of a state Alzheimer's plan no later than November 15, 2010, as part of Alzheimer's disease awareness month.

7. The task force shall continue to meet at the request of the chair and at a minimum of one time annually for the purpose of evaluating the implementation and impact of the task force recommendations and provide annual supplemental reports on the findings to the governor and the general assembly.

8. The provisions of this section shall expire on November 1, 2012.]

EXPLANATION: The feasibility report required under this section was due 12-31-11 (report issued December 2012).

[192.105. WATER QUALITY TESTING SYSTEM, FEASIBILITY OF — REPORT. —

The department of health and senior services shall examine the feasibility of implementing a real-time water quality testing system for measuring the bacterial water quality at state-owned public beaches and shall issue a report of its findings to the general assembly by December 31, 2011.]

EXPLANATION: This section expired 12-31-11.

[197.291. TECHNICAL ADVISORY COMMITTEE ON QUALITY OF PATIENT CARE AND NURSING PRACTICES ESTABLISHED, MEMBERS, APPOINTMENT, DUTIES. — 1.

There is hereby established a "Technical Advisory Committee on the Quality of Patient Care and Nursing Practices" within the department of health and senior services. The committee shall be comprised of nine members appointed by the director of the department of health and senior services, one of whom shall be a representative of the department of health and senior services and one of whom shall be a representative of the general public. In addition, the director shall appoint three members representing licensed registered nurses from a list of recommended appointees provided by the Missouri Nurses Association, one member representing licensed practical nurses from a list of recommended appointees provided by the Missouri Licensed Practical Nurses

Association, two members from a list of recommended appointees provided by the Missouri Hospital Association, and one member representing licensed physicians from a list of recommended appointees provided by the Missouri State Medical Association.

2. The committee shall work with hospitals, nurses, physicians, state agencies, community groups and academic researchers to develop specific recommendations related to staffing, improving the quality of patient care, and insuring the safe and appropriate employment of licensed nurses within hospitals and ambulatory surgical centers. The committee shall develop recommendations and submit an annual report based on such recommendations to the governor, chairpersons of standing health and appropriations committees of the general assembly and the department of health and senior services no later than December thirty-first of each year.

3. The department of health and senior services shall provide such support as the committee members require to aid it in the performance of its duties.

4. Committee members shall not be compensated for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

5. The provisions of this section shall expire on December 31, 2011.]

EXPLANATION: This section expired 08-31-12 (report due 08-31-12 under subsection 5; no report submitted by deadline).

[262.950. BOARD CREATED, DEFINITIONS, MEMBERS, MISSION, DUTIES — REPORT — MEETINGS — EXPIRATION DATE. — 1. As used in this section, the following terms shall mean:

(1) "Locally grown agricultural products", food or fiber produced or processed by a small agribusiness or small farm;

(2) "Small agribusiness", an independent agribusiness located in Missouri with gross annual sales of less than five million dollars;

(3) "Small farm", an independent family-owned farm in Missouri with at least one family member working in the day-to-day operation of the farm.

2. There is hereby created an advisory board, which shall be known as the "Farm-to-Table Advisory Board". The board shall be made up of at least one representative from the following agencies: the University of Missouri extension service, the department of agriculture, the department of elementary and secondary education, the department of economic development, the department of corrections, and the office of administration. In addition, the director of the department of agriculture shall appoint one person actively engaged in the practice of small agribusiness. The representative for the department of agriculture shall serve as the chairperson for the board and shall coordinate the board meetings. The board shall hold at least two meetings, but may hold more as it deems necessary to fulfill its requirements under this section. Staff of the department of agriculture may provide administrative assistance to the board if such assistance is required.

3. The mission of the board is to provide recommendations for strategies that:

(1) Allow schools and state institutions to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines; and

(2) Increase public awareness of local agricultural practices and the role that local agriculture plays in sustaining healthy communities and supporting healthy lifestyles.

4. In fulfilling its mission under this section, the board shall:

(1) Investigate the status and availability of local, state, federal, and any other public or private resources that may be used to:

(a) Link schools and state institutions with local and regional farms for the purchase of locally grown agricultural products;

- (b) Increase market opportunities for locally grown agricultural products;
 - (c) Assist schools and other entities with education campaigns that teach children and the general public about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of having an accessible supply of locally grown food;
 - (2) Identify any type of barrier, which may include legal, logistical, technical, social, or financial, that prevents or hinders:
 - (a) Schools and state institutions from purchasing more locally grown agricultural products;
 - (b) The expansion of market opportunities for locally grown agricultural products;
 - (c) Schools and other entities from engaging in education campaigns to teach people about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of having an accessible supply of locally grown food; and
 - (3) Develop recommendations for:
 - (a) The maximization of existing public and private resources to accomplish the objectives in subsection 3 of this section;
 - (b) The development of new or expanded resources deemed necessary to accomplish the objectives in subsection 3 of this section, which may include resources such as training programs, grant programs, or database development; and
 - (c) The elimination of barriers that hinder the objectives in subsection 3 of this section, which may include changes to school or state institution procurement policies or procedures.
5. The board shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each agency represented on the board by no later than August 31, 2012.
6. In conducting its work, the board may hold public meetings at which it may invite testimony from experts or it may solicit information from any party it deems may have information relevant to its duties under this section.
7. This section shall expire on August 31, 2012.]

EXPLANATION: The committee established under this section was dissolved after submission of its report in 2007.

[301.129. ADVISORY COMMITTEE, DUTIES, MEMBERS, PUBLIC MEETINGS, EXPENSES, DISSOLUTION OF COMMITTEE. — There is established in this section an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for motor vehicle license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee may adopt more than one type of design and color scheme for license plates issued under this chapter; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter. The advisory committee shall consist of the director of revenue, the superintendent of the highway patrol, the correctional enterprises administrator, and the respective chairpersons of both the senate and house of representatives transportation committees. Notwithstanding section 226.200 to the contrary, the general assembly may appropriate state highways and transportation department funds for the requirements of section 301.130 and this section. Prior to January 1, 2007, the committee shall meet, select a chairman from among their members, and develop uniform design and license plate

parameters for the motor vehicle license plates issued under this chapter. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section out of funds appropriated for that purpose. The committee shall direct the director of revenue to implement its final design of the uniform motor vehicle license plates and any specific parameters for all license plates developed by the committee not later than January 1, 2007. The committee shall be dissolved upon completion of its duties under this section.]

EXPLANATION: This section expired 08-28-11.

[311.489. PERMIT FOR SALES AT SPECIFIED FESTIVAL EVENTS, ISSUED WHEN — PROMOTIONAL ASSOCIATION DEFINED — PROCEDURE — PERMIT HOLDER RESPONSIBLE FOR ANY ALCOHOL VIOLATIONS, CIVIL FINE — EXPIRES, WHEN (KANSAS CITY). — 1. After obtaining the approvals as described in this section, a permit for the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as defined in section 312.010, for consumption on premises where sold, and to conduct specified festival events, shall be issued by the division of alcohol and tobacco control to any festival district, located in a community improvement district in any home rule city with more than four hundred thousand inhabitants and located in more than one county, that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area that is closed to vehicle traffic, provided that the permit is held by a promotional association. A "promotional association" is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed festival district.

2. The promotional association shall obtain a permit from the division if the promotional association submits a plan to the governing body of the city and such a plan receives approval from the city governing body. The plan submitted shall include the legal description of the district and the common area within which such festivals shall be held, the name and address and responsible person for each business participating in the promotional association, the specific calendar of events for the district which shall not exceed twenty-four such events annually and shall include the dates and times of any such events, a description of the proposed festival activities, including any proposed public street closures if applicable, proof of adequate insurance, and a detailed description of security for any proposed festivals which shall be provided at the sole expense of the promotional association. Such detailed description of security shall be approved by the city police department and the city department of liquor control prior to the plan being approved by the city. Each event on the calendar shall not exceed forty-eight hours in length. No more than two events shall be held in any calendar month. Such permit shall cost three hundred dollars per year.

3. Prior to approving the plan, the city shall notify all property owners in the proposed district and within five hundred feet of such district's boundaries. The city shall hold a public hearing at least thirty days after providing such notice to obtain public views and comments on the issue. The city shall not approve any plan unless the promotional association has obtained written approval from at least fifty percent of the property owners within the district and within one hundred eighty-five feet of its borders. If the written approvals required under this section are obtained and the city approves the plan, the promotional association may conduct the events described in the plan and may sell liquor for consumption within the district common areas. Such

liquor sales may only occur between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four hour periods in a year, such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. All containers allowed to be removed from an establishment shall be marked with the name or logo of the establishment where it was purchased. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.

4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

5. Minors shall not be allowed to enter the festival district during a festival event that serves liquor.

6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional association's then-current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.

7. The provisions of this section shall expire two years after August 28, 2009.]

EXPLANATION: The report required under this section was due no later than January 6, 2010 (report submitted by the deadline).

[374.776. STUDY ON LICENSURE AND POLICIES OF BAIL BOND INDUSTRY, HEARINGS, REPORT. — During the legislative interim between the first regular session and the second regular session of the ninety-fifth general assembly, the Missouri department of insurance, financial institutions and professional registration shall conduct a study regarding its licensing rules and other policies and procedures governing the bail bond industry within the state of Missouri. The department, in its discretion, may hold public hearings within the state and permit testimony and input from surety insurance companies, general bail bond agents, bail bond agents, legislators, law enforcement agencies, officials from the department, and other interested parties. If public hearings are held, the director shall provide notice to all licensees licensed under sections 374.695 to 374.789 of the date, time, and location of such public hearings. The department shall submit a report of its findings and recommendations to the house of representatives and senate insurance committees no later than January 6, 2010.]

EXPLANATION: Sections 376.825 to 376.836 expired 01-01-11 (see section 376.836).

[376.825. TITLE. — Sections 376.825 to 376.840 shall be known and may be cited as the "Mental Health and Chemical Dependency Insurance Act".]

[376.826. DEFINITIONS. — For the purposes of sections 376.825 to 376.836 the following terms shall mean:

(1) "Director", the director of the department of insurance, financial institutions and professional registration;

(2) "Health insurance policy" or "policy", all health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families, which provide for hospital treatments. The term shall also include any individually underwritten coverage issued by a health maintenance organization. The provisions of sections 376.825 to 376.836 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency;

(3) "Insurer", an entity licensed by the department of insurance, financial institutions and professional registration to offer a health insurance policy;

(4) "Mental illness", the following disorders contained in the International Classification of Diseases (ICD-9-CM):

(a) Schizophrenic disorders and paranoid states (295 and 297, except 297.3);

(b) Major depression, bipolar disorder, and other affective psychoses (296);

(c) Obsessive compulsive disorder, post-traumatic stress disorder and other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

(d) Early childhood psychoses, and other disorders first diagnosed in childhood or adolescence (299.8, 312.8, 313.81 and 314);

(e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1); and

(f) Anorexia nervosa, bulimia and other severe eating disorders (307.1, 307.51, 307.52 and 307.53);

(g) Senile organic psychotic conditions (290);

(5) "Rate", "term", or "condition", any lifetime limits, annual payment limits, episodic limits, inpatient or outpatient service limits, and out-of-pocket limits. This definition does not include deductibles, co-payments, or coinsurance prior to reaching any maximum out-of-pocket limit. Any out-of-pocket limit under a policy shall be comprehensive for coverage of mental illness and physical conditions.]

[376.827. REQUIREMENTS FOR MENTAL ILLNESS COVERAGE — PARITY WITH COVERAGE PROVIDED FOR PHYSICAL CONDITIONS. — 1. Nothing in this bill shall be construed as requiring the coverage of mental illness.

2. Except for the coverage required pursuant to subsection 1 of section 376.779, and the offer of coverage required pursuant to sections 376.810 through 376.814, if any of the mental illness disorders enumerated in subdivision (4) of section 376.826 are provided by the health insurance policy, the coverage provided shall include all the disorders enumerated in subdivision (4) of section 376.826 and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to evaluation and treatment for mental illness than for access to evaluation and treatment for physical conditions, generally, except that alcohol and other drug abuse services shall have a minimum of thirty days total inpatient treatment and a minimum of twenty total visits for outpatient treatment for each year of coverage. A lifetime limit equal to four times such annual limits may be imposed. The days allowed for inpatient treatment can be converted for use for outpatient treatment on a two-for-one basis.

3. Deductibles, co-payment or coinsurance amounts for access to evaluation and treatment for mental illness shall not be unreasonable in relation to the cost of services provided.

4. A health insurance policy that is a federally qualified plan of benefits shall be construed to be in compliance with sections 376.825 to 376.836 if the policy is issued

by a federally qualified health maintenance organization and the federally qualified health maintenance organization offered mental health coverage as required by sections 376.825 to 376.836. If such coverage is rejected, the federally qualified health maintenance organization shall, at a minimum, provide coverage for mental health services as a basic health service as required by the Federal Public Health Service Act, 42 U.S.C. Section 300e., et seq.

5. Health insurance policies that provide mental illness benefits pursuant to sections 376.825 to 376.840 shall be deemed to be in compliance with the requirements of subsection 1 of section 376.779.

6. The director may disapprove any policy that the director determines to be inconsistent with the purposes of this section.]

[376.830. SERVICES ADMINISTERED AND DELIVERED BY WHOM — CONTRACTED SERVICES PERMITTED, WHEN. — 1. The coverages set forth in sections 376.825 to 376.840 may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more licensed providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri. Nothing in this section shall authorize any unlicensed provider to provide covered services.

2. An insurer may use a case management program for mental illness benefits to evaluate and determine medically necessary and clinically appropriate care and treatment for each patient.

3. Nothing in sections 376.825 to 376.840 shall be construed to require a managed care plan as defined by section 354.600, when providing coverage for benefits governed by sections 376.825 to 376.840, to cover services rendered by a provider other than a participating provider, except for the coverage pursuant to subsection 4 of section 376.811. An insurer may contract for benefits provided in sections 376.825 to 376.840 with a managing entity or group of providers for the management and delivery of services for benefits governed by sections 376.825 to 376.840.]

[376.833. INAPPLICABILITY OF SECTION 376.827, WHEN — WAIVER GRANTED TO POLICYHOLDER, WHEN. — 1. The provisions of section 376.827 shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

- (1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;
- (2) Services rendered or billed by a school or halfway house;
- (3) Care that is custodial in nature;
- (4) Services and supplies that are not medically necessary nor clinically appropriate; or
- (5) Treatments that are considered experimental.

2. The director shall grant a policyholder a waiver from the provisions of section 376.827 if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with sections 376.825 to 376.840 has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder.]

[376.836. EFFECTIVE DATE — STUDY CONDUCTED BY DIRECTOR, CONTENTS, REPORT TO GENERAL ASSEMBLY — EXCLUSIONS — EXPIRATION DATE. — 1. The provisions of sections 376.825 to 376.836 apply to applications for coverage made on or after January 1, 2005, and to health insurance policies issued or renewed on or after such date to residents of this state. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

2. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

3. The provisions of sections 376.825 to 376.836 shall expire on January 1, 2011.]

EXPLANATION: This section expired 12-31-10 (preliminary report submitted in 2008; final report submitted 12-31-10).

[383.250. HEALTH CARE STABILIZATION FUND FEASIBILITY BOARD CREATED, DUTIES, REPORT — MEMBERS — APPOINTMENT, MEETINGS, REPORTS — POWERS — STAFF — COMPENSATION — EXPIRATION DATE. — 1. There is hereby created within the department of insurance, financial institutions and professional registration the "Health Care Stabilization Fund Feasibility Board". The primary duty of the board is to determine whether a health care stabilization fund should be established in Missouri to provide excess medical malpractice insurance coverage for health care providers. As part of its duties, the board shall develop a comprehensive study detailing whether a health care stabilization fund is feasible within Missouri, or specified geographic regions thereof, or whether a health care stabilization fund would be feasible for specific medical specialties. The board shall analyze medical malpractice insurance data collected by the department of insurance, financial institutions and professional registration under sections 383.105 and 383.106 and any other data the board deems necessary to its mission. In addition to analyzing data collected from the Missouri medical malpractice insurance market, the board may study the experience of other states that have established health care stabilization funds or patient compensation funds. If a health care stabilization fund is determined to be feasible within Missouri, the report shall also recommend to the general assembly how the fund should be structured, designed, and funded. The report may contain any other recommendations relevant to the establishment of a health care stabilization fund, including but not limited to specific recommendations for any statutory or regulatory changes necessary for the establishment of a health care stabilization fund.

2. The board shall consist of ten members. Other than the director, the house members and the senate members, the remainder of the board's members shall be appointed by the director of the department of insurance, financial institutions and professional registration as provided for in this subsection. The board shall be composed of:

(1) The director of the department of insurance, financial institutions and professional registration, or his or her designee;

(2) Two members of the Missouri senate appointed by the president pro tem of the senate with no more than one from any political party;

(3) Two members of the Missouri house of representatives appointed by the speaker of the house with no more than one member from any political party;

(4) One member who is licensed to practice medicine as a medical doctor who is on a list of nominees submitted to the director by an organization representing Missouri's medical society;

(5) One member who practices medicine as a doctor of osteopathy and who is on a list of nominees submitted to the director by an organization representing Missouri doctors of osteopathy;

(6) One member who is a licensed nurse in Missouri and who is on a list submitted to the director by an organization representing Missouri nurses;

(7) One member who is a representative of Missouri hospitals and who is on a list of nominees submitted to the director by an organization representing Missouri hospitals; and

(8) One member who is a physician and who is on a list submitted to the director by an organization representing family physicians in the state of Missouri.

3. The director shall appoint the members of the board, other than the general assembly members, no later than January 1, 2007. Once appointed, the board shall meet at least quarterly, and shall submit its final report and recommendations regarding the feasibility of a health care stabilization fund to the governor and the general assembly no later than December 31, 2010. The board shall also submit annual interim reports to the general assembly regarding the status of its progress.

4. The board shall have the authority to convene conferences and hold hearings. All conferences and hearings shall be held in accordance with chapter 610.

5. The director of the department of insurance, financial institutions and professional registration shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.

6. Board members shall receive no additional compensation but shall be eligible for reimbursement for expenses directly related to the performance of their duties.

7. The provisions of this section shall expire December 31, 2010.]

EXPLANATION: The authority delegated under this section expired 08-28-09.

[393.171. INCORPORATION AND FRANCHISES, PERMISSION AND APPROVAL AFTER INSTRUCTION AND ACQUISITION OF PLANT PERMITTED, WHEN — EXPIRATION DATE. — 1. The commission shall have the authority to grant the permission and approval specified in section 393.170 after the construction or acquisition of any electric plant located in a first class county without a charter form of government has been completed if the commission determines that the grant of such permission and approval is necessary or convenient for the public service. Any such permission and approval shall, for all purposes, have the same effect as the permission and approval granted prior to such construction or acquisition. This subsection is enacted to clarify and specify the law in existence at all times since the original enactment of section 393.170.

2. No permission or approval granted for an electric plant by the commission under subsection 1 of this section, nor any special use permit issued for any such electric plant by the governing body of the county in which the electric plant is located, shall extinguish, render moot, or mitigate any suit or claim pending or otherwise allowable by law by any landowner or other legal entity for monetary damages allegedly caused by the operation or existence of such electric plant. Expenses incurred by an electrical corporation in association with the payment of any such damages shall not be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.

3. The commission's authority under subsection 1 of this section shall expire on August 28, 2009.]

EXPLANATION: This section expired 01-01-10.

[488.2205. 30TH JUDICIAL CIRCUIT TO COLLECT SURCHARGE, WHEN — USE OF FUNDS — EXPIRATION. — 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, 2010.]

EXPLANATION: This section expired 07-01-10.

[620.602. JOINT COMMITTEE ON POLICY AND PLANNING, ESTABLISHED — MEMBERS, APPOINTMENT OF, EXPENSES — MEETINGS, OFFICERS, DUTIES — EXPIRATION DATE. — 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Economic Development Policy and Planning" to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee's appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate annually between a member of the senate and a member of the house of representatives. The committee shall regularly meet at least quarterly. A majority of the members of the committee shall

constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee's appropriations or the joint contingent fund.

3. The joint committee on economic development policy and planning shall, at its regular meetings, confer with representatives from the governor's office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state's competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010.]

EXPLANATION: The committee was disbanded on January 1, 1996.

[630.461. REVIEW COMMITTEE FOR PURCHASING ESTABLISHED, DUTIES — MEMBERS, QUALIFICATIONS — RECOMMENDATIONS DUE WHEN, FAILURE TO RECOMMEND, EFFECT — COMMITTEE DISBANDED, JANUARY 1, 1996. —

1. There is hereby created in the department of mental health a committee to be known as the "Review Committee for Purchasing" to review the manner in which the department of mental health purchases services for persons with mental health disorders and substance abuse problems. By December 31, 1995, the committee shall recommend to the governor and the general assembly any changes that should be made in the department of mental health purchasing systems, including whether the department should follow a competitive purchasing model and, if so, the time frame for initiating such change. The recommendation of the committee shall be made in the context of state and national health care reform and with the goal of providing effective services in a coordinated and affordable manner.

2. The review committee on purchasing created in subsection 1 of this section shall be composed of nine members as follows:

- (1) One member of the mental health commission, appointed by the governor;
- (2) One representative of the office of administration, appointed by the governor;
- (3) The governor or his designee;
- (4) Two members appointed at large by the governor, with one member representing the business community and one public member;
- (5) Two members, appointed at large by the governor, with one member being a private provider and one member being affiliated with a hospital;
- (6) Two members, appointed at large by the governor, who are consumers of mental health services or family members of consumers of mental health services.

3. The review committee established in subsection 1 of this section shall be disbanded on January 1, 1996.

4. Notwithstanding any other provision of law to the contrary, beginning July 1, 1997, if the review committee failed to make the recommendations to the governor and the general assembly as required in subsection 1 of this section, the department of mental health may contract directly with vendors operated or funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant to sections 205.968 to 205.973, without competitive bids. All contracts with vendors who are providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services shall be awarded in accordance with chapter 34.]

EXPLANATION: This section expired 09-30-11.

[633.410. DEFINITIONS — PROVIDER CERTIFICATION FEE REQUIRED, FORMULA — FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. For purposes of this section, the following terms mean:

(1) "Certification fee", a fee to be paid by providers of health benefit services, which in the aggregate for all providers shall not exceed the overall cost of the department of mental health's operation of its certification programs for residential habilitation, individualized supported living, and day habilitation services provided to developmentally disabled individuals;

(2) "Home and community-based waiver services for persons with developmental disabilities", a department of mental health program which admits persons who are developmentally disabled for residential habilitation, individualized supported living, or day habilitation services under chapter 630;

(3) "Provider of health benefit services", publicly and privately operated programs providing residential habilitation, individualized supported living, or day habilitation services to developmentally disabled individuals that have been certified to meet department of mental health certification standards.

2. Beginning July 1, 2009, each provider of health benefit services accepting payment shall pay a certification fee.

3. Each provider's fee shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. The fee imposed under this section shall be determined based on the reasonable costs incurred by the department of mental health in its programs of certification of providers of health benefit services. Imposition of the fee shall be contingent upon receipt of all necessary federal approvals under federal law and regulation to assure that the collection of the fee will not adversely affect the receipt of federal financial participation in medical assistance under Title XIX of the federal Social Security Act.

5. Fees shall be determined annually and prorated monthly by the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the fee payment owed for any month.

7. Fee payments shall be deposited in the state treasury to the credit of the "Home and Community-Based Developmental Disabilities Waiver Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. The state treasurer shall be custodian and may approve disbursement. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the home and community-based developmental disabilities waiver reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Every provider of residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals shall submit annually an acknowledgment of certification for the purpose of paying its certification fee. The report shall be in such form as may be prescribed by rule by the director of the department of mental health.

9. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed under the provisions of this section.

10. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying fees required under this section, the

director of the department of social services shall withhold, and shall remit to the director of the department of revenue, the fee amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

11. In the event a provider objects to the estimate described in subsection 10 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director of the department of mental health shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the fee determination and a final decision by the director of the department of mental health, a residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals provider's appeal of the director of the department of mental health's final decision shall be to the administrative hearing commission in accordance with section 208.156 and section 621.055.

12. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the provider is located. The circuit court shall hear the matter as the court of original jurisdiction.

13. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any provider of residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals granted by state law.

14. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

15. The provisions of this section shall expire on September 30, 2011.]

EXPLANATION: The report required under this section was due for submission no later than December 31, 2011 (report submitted by the deadline).

[640.850. COMMITTEE TO BE CONVENED, PURPOSE, REPORT. — The governor shall convene a committee of representatives of the departments of health and senior services, natural resources, economic development, agriculture, and conservation. The committee shall evaluate opportunities for consolidating services with the goal of improving efficiency and reducing cost while optimizing the benefits to the citizens of Missouri. As part of its evaluation, the committee shall specifically consider the transfer of the division of energy from the department of natural resources to the department of economic development and the consolidation of water quality laboratory testing under the department of health and senior services for purposes of meeting water testing requirements of the federal Safe Drinking Water Act and the Federal Water Pollution Control Act. The committee shall provide recommendations to the governor and general assembly no later than December 31, 2011.]

EXPLANATION: This section sunset 06-05-12.

[650.120. GRANTS TO FUND INVESTIGATIONS OF INTERNET SEX CRIMES AGAINST CHILDREN — FUND CREATED — PANEL, MEMBERSHIP, TERMS — LOCAL MATCHING AMOUNTS — PRIORITIES — TRAINING STANDARDS — INFORMATION SHARING — PANEL RECOMMENDATION — POWER OF ARREST — SUNSET PROVISION. — 1. There is hereby created in the state treasury the "Cyber Crime Investigation Fund". The treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the cyber crime investigation fund. The department of public safety shall be the administrator of the fund. Moneys in the fund shall be used solely for the administration of the grant program established under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department of public safety shall create a program to distribute grants to multijurisdictional internet cyber crime law enforcement task forces, multijurisdictional enforcement groups, as defined in section 195.503, that are investigating internet sex crimes against children, and other law enforcement agencies. The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section. Not more than three percent of the money in the fund may be used by the department to pay the administrative costs of the grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, provide funding for the training of law enforcement personnel and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. The funding for such training may be used to cover the travel expenses of those persons participating.

3. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

- (1) The director of the department of public safety, or his or her designee;
- (2) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Police Chiefs Association;
- (3) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Sheriffs' Association;
- (4) Two members of the state highway patrol shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri State Troopers Association;
- (5) One member of the house of representatives who shall be appointed by the speaker of the house of representatives; and
- (6) One member of the senate who shall be appointed by the president pro tem.

The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall serve a four-year term ending four years from the date of expiration of the term for which his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Such members shall hold office for the term of his or her appointment and until a successor is appointed. The members of the panel shall

receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of panel duties.

4. Local matching amounts, which may include new or existing funds or in-kind resources including but not limited to equipment or personnel, are required for multijurisdictional internet cyber crime law enforcement task forces and other law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel.

5. When awarding grants, priority should be given to newly hired detectives and computer forensic personnel.

6. The panel shall establish minimum training standards for detectives and computer forensic personnel participating in the grant program established in subsection 2 of this section.

7. Multijurisdictional internet cyber crime law enforcement task forces and other law enforcement agencies participating in the grant program established in subsection 2 of this section shall share information and cooperate with the highway patrol and with existing internet crimes against children task force programs.

8. The panel may make recommendations to the general assembly regarding the need for additional resources or appropriations.

9. The power of arrest of any peace officer who is duly authorized as a member of a multijurisdictional internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multijurisdictional internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

EXPLANATION: Sections 660.425 to 660.465 expired 09-01-12 (see section 660.465).

[660.425. HOME SERVICES PROVIDERS TAX IMPOSED, DEFINITIONS. — 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services. The tax is imposed upon payments received by an in-home services provider for the provision of in-home services.

2. For purposes of sections 660.425 to 660.465, the following terms shall mean:

(1) "Engaging in the business of providing in-home services", all payments received by an in-home services provider for the provision of in-home services;

(2) "In-home services", homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual's home and under a plan of care created by a physician, necessary to keep children out of hospitals. "In-home services" shall not include home health services as defined by federal and state law;

(3) "In-home services provider", any provider or vendor, as defined in section 208.900, of compensated in-home services and under a provider agreement or contracted with the department of social services or the department of health and senior services.]

[660.430. AMOUNT OF TAX, FORMULA — RULEMAKING AUTHORITY — APPEALS. — 1. Each in-home services provider in this state providing in-home services shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

2. Each in-home services provider's tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. The director of the department of social services or the director's designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465

4. Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.]

[660.435. LIST OF VENDORS TO BE PROVIDED — RECORD-KEEPING REQUIREMENTS — REPORT OF TOTAL PAYMENTS. — 1. For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

2. Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider's tax due.

3. The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

4. Each in-home services provider shall report the total payments received for the provision of in-home services to the department of social services.]

[660.440. EFFECTIVE DATE OF TAX. — 1. The tax imposed by sections 660.425 to 660.465 shall become effective upon authorization by the federal Centers for Medicare & Medicaid Services for a gross receipts tax for in-home services.

2. If the federal Centers for Medicare & Medicaid Services determines that their authorization is not necessary for the tax imposed under sections 660.425 to 660.465, the tax shall become effective sixty days after the date of such determination.]

[660.445. DETERMINATION OF TAX AMOUNT — NOTIFICATION TO PROVIDER — QUARTERLY TAX ADJUSTMENTS PERMITTED. — 1. The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically significant change in the in-home services provided or in the payments received for such services provided. The department of social services may define such adjustment criteria by rule.]

[660.450. OFFSET OF TAX PERMITTED, WHEN. — The director of the department of social services may offset the tax owed by an in-home services provider against any Missouri Medicaid payment due such in-home services provider, if the in-home services provider requests such an offset. The amounts to be offset shall result, so far as practicable, in withholding from the in-home services provider an amount substantially equal to the assessment due from the in-home services provider. The office of administration and the state treasurer may make any fund transfers necessary to execute the offset.]

[660.455. REMITTANCE OF TAX — FUND CREATED — RECORD-KEEPING REQUIREMENTS. — 1. The in-home services tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the "In-home Services Gross Receipts Tax Fund" which is hereby created to provide payments for in-home services provided. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.

3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.]

[660.460. NOTIFICATION OF TAXES DUE — UNPAID OR DELINQUENT AMOUNTS, EFFECT OF — FAILURE TO PAY, PENALTY. — 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its

in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.

2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the in-home services provider and compel the payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.

3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.]

[660.465. EXPIRATION DATE. — 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:

(1) Ninety days after any one or more of the following conditions are met:

(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided is less than the fiscal year 2010 in-home services fees reimbursement amount; or

(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or

(2) September 1, 2012.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.

2. Sections 660.425 to 660.465 shall expire on September 1, 2012.]

EXPLANATION: The report required under this section was due for submission no later than December 31, 2011 (report submission undetermined).

[701.058. STAKEHOLDER MEETINGS, PERMITS AND INSPECTIONS OF SYSTEMS — **REPORT.** — The department of natural resources and the department of health and senior services shall jointly hold stakeholder meetings for the purpose of gathering data and information regarding permits and inspections for on-site sewage disposal systems. The departments shall evaluate the data and information obtained and present their findings and recommendations in a report to be submitted to the general assembly by December 31, 2011.]

EXPLANATION: The report required under this section was due for submission no later than July 1, 2010 (report not submitted by the deadline; DNR did not comply due to lack of funding for the study).

[701.502. STUDY TO BE CONDUCTED — REPORT, CONTENTS. — 1. The department shall conduct a study of the energy efficiency of consumer electronic products and report to the general assembly no later than July 1, 2010. The report shall include:

(1) An assessment of energy requirements and energy usage of consumer electronic products;

(2) Recommendations to consumers regarding appropriate use of consumer electronic products; and

(3) Recommendations to consumers regarding the availability of energy efficient consumer electronic products in Missouri.

2. The report shall be posted on the department's website and made available to the public upon request.]

Approved July 2, 2014

HB 1299 [SCS HCS HRB 1299]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Revision Bill

AN ACT to repeal sections 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.545, 160.700, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403,

660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525, 660.526, 660.600, 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, and to enact in lieu thereof three hundred thirty-seven new sections for the sole purpose of codifying previous executive branch reorganizations, with penalty provisions.

SECTION

- A. Enacting clause.
- 3.070. Revisor of statutes — appointment — duties — office.
- 8.110. Division of facilities management, design and construction created, duties.
- 8.115. Armed security guards for state-owned or leased facilities, not applicable to Cole County.
- 8.180. Director to pay certain costs.
- 8.200. Director may proceed against sheriff.
- 8.260. Appropriations of \$100,000 or more for buildings, how paid out.
- 8.310. Duties of director as to construction, repairs and purchases — exceptions.
- 8.315. Duties of director, capital improvement projects.
- 8.316. Division to promulgate method to calculate replacement cost of buildings owned by public institutions of higher education.
- 8.320. Director to prescribe conditions and procedures for repair and maintenance of buildings.
- 8.325. Capital improvements, cost estimates, content requirements — rental quarters with defective conditions, reoccupation by state agencies, when.
- 8.330. Information as to condition of buildings, collection, availability.
- 8.340. Director to keep file on state lands and condition of buildings.
- 8.350. Director to deliver papers and property to successor.
- 8.360. Inspection and report as to condition of buildings.
- 8.700. Definitions.
- 8.800. Definitions.
- 8.830. Definitions.
- 8.843. Interagency advisory committee on energy cost reduction and savings, members, duties.
- 33.710. Committee, composition — expenses — officers.
- 34.031. Recycled products, preference for products made from solid waste — elimination of purchase of products made from polystyrene foam — commissioner of administration, duties — report.
- 36.030. Personnel, administration of merit system — agencies affected — exemptions — employee suggestions, awards authorized.
- 37.005. Powers and duties, generally.
- 37.010. Commissioner of administration, compensation, oath of office, duties — vacancy, governor to serve.
- 37.013. Definitions.
- 37.014. Minority business advocacy commission established — members — qualifications — terms — vacancy — per diem and expenses — meetings — duties — staff.
- 37.016. Minority business advocacy commission to confer with division of tourism on rules.
- 37.020. Definitions — socially and economically disadvantaged small business concerns — plan to increase and maintain participation — study — oversight review committee, members.
- 37.110. Information technology services division established.
- 43.251. Report forms — how provided, contents — approval by superintendent.
- 64.090. Planning and zoning powers of county commission — group homes considered single-family dwellings — exemptions (certain counties of the first classification).
- 89.020. Powers of municipal legislative body — group homes, classification, standards, restrictions — enforcement of zoning beyond lake shorelines, when, how — foster homes, classifications of — certain municipalities may adopt county zoning regulations.
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- 135.335. Credit reduced, amount, when.
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- 143.790. Unpaid health care services to hospitals or health care providers, claim may be made on debtor's tax refund — remainder to be debt of department of health and senior services.
- 143.1002. Tax refund credited to home delivered meals trust fund — contributions accepted — director of revenue to transfer contributions, trust fund created — state treasurer to administer fund.
- 160.545. A+ school program established — purpose — rules — variable fund match requirement — waiver of rules and regulations, requirement — reimbursement for higher education costs for students — evaluation — reimbursement for two-year schools.
- 160.700. National Guard pilot instruction program — duties — qualifications — fund.
- 161.418. Department to develop criteria — applicant preference of schools.
- 161.424. Recipients of scholarships to teach in this state — terms, conditions — deferral of payments.
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- 161.905. Assistive technology council established — members, qualifications, terms, chairperson how selected — meetings.

- 161.910. Bylaws to be adopted by council, no compensation but to be paid expenses.
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- 192.1090. Assistance to be given.
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 - 192.1098. Peace officer may act, when, how — involuntary treatment may be ordered, how, where rendered — religious beliefs to be observed.
 - 192.1100. Discontinuance of services, when — exception.
 - 192.1102. Report of abuse or neglect of in-home services or home health agency client, duty — penalty — contents of report — investigation, procedure — confidentiality of report — immunity — retaliation prohibited, penalty — employee disqualification list — safe at home evaluations, procedure.
 - 192.1104. In-home services client, misappropriation of property, report — investigation — penalty — confidentiality of report — immunity — retaliation prohibited — employee disqualification list.
 - 192.1106. Alteration of in-home services provider agency contracts, procedure — letters of censure — staying of suspensions — appeal process.
 - 192.1108. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.
 - 192.1110. Criminal background checks of employees, required when — persons with criminal history not to be hired, when, penalty — failure to disclose, penalty — improper hirings, penalty — definitions — rules to waive hiring restrictions.
 - 192.1112. Prohibition against disclosure of reports, exceptions — employment security provided reports upon request.
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 - 193.075. Certificates and reports, form, format, contents.
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 - 196.1103. Board established — appointment, terms, qualifications, expenses, appointment to life sciences committee not to disqualify for membership on board.
 - 197.312. Certificate of need not required for St. Louis residential care facilities and assisted living facilities — certain other facilities, certificate not required.
 - 197.318. Licensed and available, defined — review of letters of intent — application of law in pending court cases — expansion procedures.
 - 197.367. Licensed bed limitation imposed, when.
 - 198.018. Applications for license, how made — fees — affidavit — documents required to be filed — nursing facility quality of care fund created — facilities may not be licensed by political subdivisions, but they may inspect.
 - 198.026. Noncompliance, how determined — procedure to correct — notice — reinspection — probationary license.
 - 198.029. Noncompliance — notice to operator and public, when — notice of noncompliance posted.
 - 198.077. Department to maintain facility compliance records.
 - 198.080. Assessment procedures developed — rulemaking authority.
 - 198.087. Uniformity of application of regulation standards, department's duties.
 - 198.090. Personal possessions may be held in trust, requirements, disposal of — written statements required when, penalty — prohibitions, penalties — misappropriation, report, investigation — employee disqualification list.
 - 198.189. Medicaid payment system for assisted living facilities to be implemented — options.
 - 198.421. Allowance period, notification by department, delinquent allowance — lien, enforcement, sanctions — effect upon license.
 - 198.428. Medicaid eligibility presumed pending approval or denial of application, when.
 - 198.510. Disclosure required, by whom — licensing department, duties — department of health and senior services, duties.
 - 198.515. Alzheimer's facilities, informational documents required — department, duties — licensing department, verification.
 - 205.960. Food stamp plan authorized — payments to be made only when federal funds are available.
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 - 205.962. Division to contract with counties — counties not to participate without contract — expenses of program, how paid.
 - 205.964. Reimbursement to federal government, how made.
 - 205.965. Federal regulations to be followed, inspections, audits — food stamp vendors to be approved and licensed, fees — actions to restrain violations, procedure — penalty — rulemaking procedure.
 - 207.010. Divisions of department, authority to carry out duties.
 - 207.020. Powers of children's division.
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 - 207.030. Director of divisions — oath — bond — removal from office.
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- 207.070. Department may elect to bring employees under workers' compensation — who deemed employee — rules.
- 207.080. Law not to create liability or obligation.
- 208.015. Persons not eligible for general relief — exception — specified relative, defined — unemployable persons — relief limitation.
- 208.030. Supplemental welfare assistance, eligibility for — amount, how determined — reduction of supplemental payment prohibited, when.
- 208.041. Children of unemployed parent eligible for aid to dependent children — unemployment benefits considered unearned income.
- 208.042. Recipients of aid to dependent children to participate in training or work projects — exceptions — refusal to participate, effect of — standards — child day care services authorized.
- 208.047. Aid to dependent children in foster homes or child-care institutions, granted, when — maximum benefits.
- 208.050. Aid to dependent children denied, when.
- 208.060. Applications for benefits, how and where filed.
- 208.070. Applications may be made at county office and shall be investigated — decision — notice to applicant.
- 208.072. Application for medical assistance, approval or denial, when — Medicaid payments to long-term care facilities, when.
- 208.075. Mental or physical examination may be required — evidence admissible at appeal hearing.
- 208.080. Appeal to director of the respective division, when — procedure.
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- 208.120. Records, when evidence, restrictions on disclosure — penalty.
- 208.125. Records may be destroyed, when.
- 208.130. Benefits granted may be reconsidered.
- 208.145. Medical assistance benefits, eligibility based on receipt of AFDC benefits, when.
- 208.150. Monthly benefits, how determined.
- 208.152. Medical services for which payment will be made — co-payments may be required — reimbursement for services.
- 208.154. Insufficient funds, benefits to be paid pro rata.
- 208.157. Discrimination prohibited — payment refused to provider of medical assistance who discriminates because of race, color or national origin.
- 208.168. Benefit payments for adult day care, intermediate care facilities, and skilled nursing homes — amount paid, how determined — effective when.
- 208.175. Drug utilization review board established, members, terms, compensation, duties.
- 208.176. Division to provide for prospective review of drug therapy.
- 208.180. Payment of benefits, to whom — disposition of benefit check of deceased person.
- 208.182. Division to establish electronic transfer of benefits system — disclosure of information prohibited, penalty — benefits and verification to reside in one card.
- 208.190. Division to comply with acts of congress relating to Social Security benefits.
- 208.204. Medical care for children in custody of department, payment — division may administer funds — individualized service plans developed for children in state custody exclusively based on need for mental health services.
- 208.210. Undeclared income or property — benefits may be recovered by division, when.
- 208.217. Department may obtain medical insurance information — failure to provide information, attorney general to bring action, penalty — confidential information, penalty for disclosure — definitions.
- 208.225. Medicaid per diem rate recalculation for nursing homes, amount.
- 208.300. Volunteer program for in-home respite care of the elderly — credit for service, limitation.
- 208.325. Self-sufficiency program, targeted households — assessments — self-sufficiency pacts, contents, incentives for participation, review by director, term of pact — training for case managers — sanctions for failure to comply with pact provisions, review — evaluation of program — rules — waiver from federal law.
- 208.337. Accounts for children with custodial parents in JOBS (or FUTURES), conditions, limitations — waivers required.
- 208.345. Protocols for referral of public assistance recipients to federal programs.
- 208.400. Definitions.
- 208.405. JOBS program established, duties of department.
- 208.471. Medicaid reimbursement payments to hospitals — FRA assessments — enhanced graduate medical education payments — alternative reimbursement payments to hospital for Medicaid provider agreements or reimbursement for outpatient services, certain limits not to apply to outpatient services.
- 208.477. Medicaid eligibility, criteria used, effect when more restrictive than FY2003.
- 208.533. Commission established — members, qualifications — terms — expenses.
- 208.606. Public education, at-risk elderly, purpose — action steps to be devised, preference for contacts.
- 208.609. Coordination of existing transportation services — voluntary transportation systems — emergency food services.
- 208.621. Program, at-risk elderly.
- 208.636. Requirements of parents or guardians.
- 208.780. Definitions.

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- 209.010. Division to aid blind persons.
 - 209.015. Blindness education, screening and treatment program fund — uses of fund — rulemaking.
 - 209.020. Division may receive and expend donations and bequests.
 - 209.030. Blind pensions, eligibility requirements.
 - 209.050. Persons refusing work ineligible for pensions — names may be stricken from roll.
 - 209.060. Application for pension — payment begins, when — misrepresentation, penalty.
 - 209.070. Division to prepare suitable blank application forms.
 - 209.080. Division to make regulations relative to examination of applicants for pensions.
 - 209.090. Division to prepare roll of pensioners — to distribute pensions.
 - 209.100. Division to keep blind pension roll.
 - 209.110. Person aggrieved may appeal.
 - 209.240. Amount of pension — need, how determined.
 - 209.251. Definitions.
 - 210.001. Department of social services to meet needs of homeless, dependent and neglected children — only certain regional child assessment centers funded.
 - 210.115. Reports of abuse, neglect, and under age eighteen deaths — persons required to report — supervisors and administrators not to impede reporting — deaths required to be reported to the division or child fatality review panel, when — report made to another state, when.
 - 210.165. Penalty for violation.
 - 210.166. Medical neglect of child, who may bring action — procedure.
 - 210.167. Report to school district on violations of compulsory school attendance law — referral by school district to prosecutor, when.
 - 210.192. Child fatality review panel to investigate deaths — qualifications — prosecutors and circuit attorneys to organize — report on investigations — immunity from civil liability — program for prevention.
 - 210.196. Hospitals and physicians, rules authorized for protocol and identifying suspicious deaths — child death pathologist, qualification, certification — rules, procedure — records, disclosure.
 - 210.254. Religious organization operating facilities exempt under licensing laws required to file parental notice of responsibility and fire, safety inspections annually.
 - 210.481. Definitions.
 - 210.536. Cost of foster care, how paid — failure of parent to pay required amount, court orders against assets, collection procedure.
 - 210.537. County foster parent associations may be established, duties of division.
 - 210.543. Specialized foster parents, training, fiscal incentives.
 - 210.545. Respite care facilities for foster families — rules and regulations — procedure.
 - 210.551. Grievance procedure for decisions of division to be developed with cooperation of foster parents group.
 - 210.560. Money held by others for benefit of a child, definitions, liability to the state for funds expended for child, when — money held by division for a child, accounting, deposit of funds, annual statement, disposal of funds — escheat, when.
 - 210.720. Court-ordered custody — written report of status required for court review, when — permanency hearing when, purpose.
 - 210.829. Jurisdiction, venue, severance — effect of failure to join action for necessities.
 - 210.830. Parties — guardian ad litem, when appointed.
 - 210.834. Blood tests — expert defined.
 - 210.843. Enforcement of judgment or order — payments to be made to circuit clerk or family support payment center — failure to comply, civil contempt.
 - 210.846. Hearings and records, confidentiality — inspection allowed, when.
 - 210.870. Juvenile information governance commission created, members, duties, meetings, annual report.
 - 210.900. Definitions.
 - 210.950. Safe place for newborns act — definitions — procedure — immunity from liability.
 - 211.081. Preliminary inquiry as to institution of proceedings — approval of division necessary for placement outside state — institutional placements, findings required, duties of division, limitations on judge, financial limitations.
 - 211.180. Family preservation screenings, conducted when, results.
 - 211.183. Order to include determination of efforts of division — definition of reasonable efforts by division — modification of the permanency plan, when — reasonable efforts not required, when — permanency hearing, when.
 - 211.455. Procedure after filing of petition — determination of service — extension of time for service, when — investigation.
 - 211.477. Order of termination, when issued — transfer of legal custody, to whom — alternatives to termination — power of court — granting or denial of petition deemed final judgment.
 - 217.575. Sales of goods or services to state or political subdivisions — promotion — price — certification of nonavailability required for state purchases, when.
 - 226.008. Responsibilities and authority of highways and transportation commission — transfer of authority to department of transportation.
 - 226.805. Interstate agency committee on special transportation created — members — powers and duties.
 - 251.100. Office of department to be in Jefferson City.
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- 251.240. State office in Jefferson City.
- 253.320. Conditions required in leases — effect of encumbrances of lessee.
- 261.010. Department authorized — director, how appointed, qualifications.
- 285.300. Withholding form, completion required — forwarding to state agencies — state directory of new hires, cross-check of unemployment compensation recipients — compliance by employers with employees in two or more states.
- 288.220. Administration of law — director — state unemployment insurance operation — rules and regulations.
- 301.020. Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program permitted.
- 302.133. Definitions.
- 302.134. Motorcycle safety education program, commission to establish and set standards, program to include certain subjects — authority to adopt rules, procedure to adopt, suspend and revoke.
- 302.135. Private or public institutions may also conduct motorcycle training courses, tuition fee may be charged — certificate to be issued — sticker on driver's license as evidence of completed course.
- 302.137. Motorcycle safety trust fund established, purpose — operators of motorcycles or motortricycles in violation of laws or ordinances to be assessed surcharge, collection, distribution.
- 302.171. Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to organ donation program — information to be included in registry — voluntary contribution to blindness assistance — exemption from requirement to provide proof of residency — one-year renewal, requirements.
- 302.178. Intermediate driver's license, issued to whom, requirements, limitations, fee, duration, point assessment — penalty, application for full driving privileges, requirements — exceptions — penalty — rulemaking authority, procedure.
- 311.650. Offices of supervisor.
- 313.210. Commission established — offices — assignment to department.
- 320.260. Office space to be provided.
- 324.032. Registry of licenses, permits, and certificates issued, contents — copying of registry information.
- 334.125. Seal — regulations — offices — rulemaking, procedure, this chapter.
- 338.314. Inspection of pharmacy within certain facilities authorized — applicability of law.
- 361.010. Division of finance created — location of office — transfer of division.
- 376.819. MO HealthNet division to have right to payment for health care services provided.
- 452.345. Maintenance or support payments to circuit clerk or family support payment center, when — procedure — duties of parties — failure to pay, circuit clerk duties.
- 452.346. Medical assistance documentation provided, when.
- 452.347. Notice of a child support establishment or modification proceeding, when — copy of the order provided, when.
- 452.350. Withholding of income, voluntary or court may order, when, when effective — hearing, when — employer, duties, liabilities, fee — discharge or discipline of employee because of a withholding notice prohibited, penalty — civil contempt proceeding authorized — amendment, termination and priorities of withholdings.
- 452.370. Modification of judgment as to maintenance or support, when — termination, when — rights of state when an assignment of support has been made — court to have continuing jurisdiction, duties of clerk, clerk to be "appropriate agent", when — severance of responsive pleading.
- 452.416. Parent's change in income due to military service, effect on order of child support — director of division, duties.
- 453.005. Construction of sections 453.010 to 453.400 — ethnic and racial diversity considerations.
- 453.014. Who may place minor for adoption — rules and regulations, authority.
- 453.015. Definitions.
- 453.026. Written report to be furnished to prospective adoptive parent, court and guardian ad litem, when.
- 453.065. Definitions.
- 453.070. Investigations precondition for adoption — contents of investigation report — how conducted — assessments of adoptive parents, contents — waiving of investigation, when — fees — preference to foster parents, when.
- 453.074. Duties of children's division in administration of subsidy.
- 453.077. Postplacement assessments required, when — rulemaking authority.
- 453.102. Division to inform adoptive parents of postplacement services, when — nature of services — family services to assist in cases of adoptive placement.
- 453.110. Prohibiting transfer of custody of child — exception — penalty — investigation and report — transfer of custody order issued, when.
- 453.400. Stepparent required to support stepchild — recovery from natural or adoptive parent, when — stepparent's income considered in aid to dependent children.
- 454.400. Family support division established — duties, powers — rules, procedure.
- 454.403. Social Security number required on all license, permit or certificate applications.
- 454.405. Enforcement of support obligations, counties to cooperate — agreements, contents, funding, cancellation — prosecuting attorneys, additional staff, funds.

- 454.408. Duties of the family support division.
- 454.415. Definitions — assignment of support rights to division, procedure — clerk of court or family support payment center made trustee, when, duties — termination of assignment, effect of.
- 454.420. Legal actions to establish or enforce support obligations, brought, by whom, procedure — assignment to division terminates, when, effect — money collected, where deposited.
- 454.425. Support enforcement services by division, when, for whom — fees, when allowed.
- 454.430. IV-D agency, defined — clerk of court or family support payment center to serve as trustee, when, duties — termination of trustee responsibilities by division, procedure.
- 454.432. Circuit clerk, recording of credits for amounts not received, restrictions, credits on state debt for job training and education, conditions and restrictions.
- 454.433. Order of foreign courts, notification by division, duties of circuit clerk — clerk or family support payment center trustee, duty to keep records.
- 454.435. Prosecuting attorneys, cooperative or multiple county agreement, duties — other attorneys may prosecute, when.
- 454.440. Definitions — division may use parent locator service, when — financial entities to provide information, when, penalty for refusal, immunity — statement of absent parents, contents — prohibited acts, penalties — confidentiality of records, exceptions, penalties.
- 454.445. Fees for certain actions and documents, division not required to pay.
- 454.450. Support money owed state due, when, failure to pay within time limit, rights of family services — agreements for collection of support, invalid, when, fee allowed person making collection, when, amount — depriving division of support payments, penalty.
- 454.455. Assignments by caretaker relatives, terminate, when, exceptions — caretaker relative defined.
- 454.460. Definitions.
- 454.465. State debt, defined, calculation — rights of division regarding state debts — service of process, procedure.
- 454.472. No suit maintained if child support is current.
- 454.478. Summary of expenses required, when.
- 454.490. Orders entered by director, docketing of, effect.
- 454.495. Circuit clerk or family support payment center made trustee, when, duties — assignment, defined.
- 454.496. Motion to modify order, review — form of motion, service, procedure — effective, when — venue for judicial review of administrative order, procedure.
- 454.500. Modification of an administrative order, procedure, effect — relief from orders, when.
- 454.505. Garnishment of wages, when, procedure, limitations — notice to employer, contents — employer, duties, liabilities — priorities — discharge of employee prohibited, when, penalties for — orders issued by another state, laws to govern.
- 454.513. Attorney representation exclusive — attorney/client relationship not to exist, when — notice to party not represented by attorney, when.
- 454.530. Family support payment center established by the division for child support orders — disbursement of child support — business day, defined — electronic funds transfer system.
- 454.531. Recovery of erroneously paid child support, procedures — penalty.
- 454.565. Report to the general assembly, when.
- 454.600. Definitions.
- 454.700. Insurer to permit enrollment, when — duties of employer — garnishment of income permitted, when.
- 454.853. (Repealed L. 2011 H.B. 260 A§ A)
- 454.902. (Repealed L. 2011 H.B. 260 A§ A)
- 454.1000. Definitions.
- 454.1003. Suspension of a professional or occupational license, when, procedure.
- 454.1023. List of licensed attorneys to be provided to division, when — arrearages reported to supreme court clerk.
- 454.1027. Hunting and fishing license sanctions — department of conservation.
- 454.1029. No suspension of licenses while obligor honors the support agreement.
- 483.163. Circuit clerk to cooperate in nonsupport investigations; additional compensation, exception.
- 487.080. Jurisdiction.
- 487.150. Family court coordinating committee, duties — members.
- 513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
- 516.350. Judgments presumed to be paid, when — presumption, how rebutted — inclusion in the automated child support system — judgment for unpaid rent, revived by publication.
- 577.608. Department of public safety to certify devices, adopt guidelines — certification information, standards — consultation before certification.
- 590.040. Minimum hours of basic training required.
- 595.030. Compensation, out-of-pocket loss requirement, maximum amount for counseling expenses — award, computation — medical care, requirements — counseling, requirements — maximum award — joint claimants, distribution — method, timing of payment determined by department.
- 595.036. Grievances, decision of department, appeal to administrative hearing commission.
- 595.037. Open records, exceptions — department order to close records.
- 595.060. Rules, authority — procedure.

- 610.029. Governmental agencies to provide information by electronic services, contracts for public records databases, requirements, electronic services defined — division of data processing may be consulted.
- 610.120. Records to be confidential — accessible to whom, purposes.
- 620.010. Department of economic development created — divisions — agencies — boards and commissions — personnel — powers and duties — rules, procedure.
- 620.484. Free public employment offices.
- 620.490. Rulemaking authority, coordination of state and federal job training resources.
- 620.556. Definitions.
- 620.558. Programs — participation.
- 620.560. Community services and conservation program.
- 620.562. Summer employment program — at-risk participants, remediation.
- 620.566. Administration of programs — rules and regulations — application, contents, review.
- 620.570. Evaluation of programs — interagency cooperation — "Show-Me" employers.
- 620.572. Allocations for operation of corps.
- 620.1100. Youth opportunities and violence prevention program established, purpose — advisory committee defined, members, appointment — fund, establishment, administration — program criteria, evaluation — database, development, operation.
- 620.1580. Advisory committee for electronic commerce established, members, terms, meetings.
- 621.275. Decisions of department of public safety, victims of crime, appeal to administrative hearing commission, procedure.
- 630.097. Comprehensive children's mental health service system to be developed — team established, members, duties — plan to be developed, content — evaluations to be conducted, when.
- 632.070. Department of social services to cooperate with mental health department — consent for minors required.
- 650.005. Department of public safety created — director, appointment — department's duties — rules, procedure.
- 660.010. Department of social services created — divisions and agencies assigned to department — duties, powers — director's appointment.
- 660.075. Intermediate care facility for intellectually disabled — certificate of authorization needed for provider agreement — exception — certificates not to be issued, when — notice to department, when.
- 660.130. Rules, regulations, forms — rule requirements.
- 660.523. Uniform rules for investigation of child sexual abuse cases — training provided for division, staff.
- 660.525. Treatment for child sexual abuse victims provided by division, when.
- 660.526. Child sexual abuse cases, annual training required by children's division.
- 660.620. Office of advocacy and assistance for senior citizens established in office of lieutenant governor, duties and procedure.
- 660.690. Protection against spousal impoverishment and premature placement in institutional care, determination of eligibility for Medicaid and medical assistance benefits.
- 701.336. Department to cooperate with federal government — information to be provided to certain persons — lead testing of children, strategy to increase number.
- 33.753. Plan to increase minority business to be provided to the governor and the general assembly, due when.
- 199.025. Child day care center, authority to organize — how paid for — to be licensed by division of family services — expiration thirty days after transfer of Missouri rehabilitation center to University of Missouri.
- 620.483. Division of job development and training, criteria — private industry council manual — centralized member orientation session — worker adjustment services — minimum expenditure requirements, job training partnership act.
- 660.060. Transfer of division of aging to the department of health and senior services.

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

SECTION A. ENACTING CLAUSE. — Sections 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.545, 160.700, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.020, 209.030, 209.050, 209.060,

209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525, 660.526, 660.600, 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, are repealed and three hundred thirty-seven new sections enacted in lieu thereof, to be known as sections 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.700, 8.800, 8.830, 8.843, 33.710, 34.031, 36.030, 37.005, 37.010, 37.013, 37.014, 37.016, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.545, 160.700, 161.418, 161.424, 161.900, 161.905, 161.910, 161.915, 161.920, 161.925, 161.930, 161.935, 161.940, 161.945, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 192.601, 192.1000, 192.1002, 192.1004, 192.1006, 192.1008, 192.1010, 192.1012, 192.1020, 192.1022, 192.1024, 192.1030, 192.1040, 192.1042, 192.1044, 192.1046, 192.1048, 192.1050, 192.1052, 192.1054, 192.1056, 192.1058, 192.1060, 192.1062, 192.1064, 192.1066, 192.1080, 192.1082, 192.1084, 192.1086, 192.1088, 192.1090, 192.1092, 192.1094, 192.1096, 192.1097, 192.1098, 192.1100, 192.1102, 192.1104, 192.1106, 192.1108, 192.1110, 192.1112, 192.1114, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.022, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.015, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037,

595.060, 610.029, 610.120, 620.010, 620.484, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 621.275, 630.097, 632.070, 650.005, 660.010, 660.075, 660.130, 660.523, 660.525, 660.526, 660.620, 660.690, and 701.336, to read as follows:

3.070. REVISOR OF STATUTES—APPOINTMENT—DUTIES—OFFICE.— The committee shall appoint and fix the compensation of a revisor of statutes and other attorneys and assistants necessary to the performance of its duties under this chapter. The compensation of the revisor of statutes and his **or her** assistants and expenses incurred in connection with the performance of their duties shall be paid from appropriations made for the committee on legislative research. The revisor of statutes shall be duly licensed to practice law in this state and serves at the pleasure of the committee. The revisor of statutes shall perform all duties required by the committee in connection with its duties under this chapter. He **or she** shall conform to all regulations prescribed for the internal operation of the committee and shall render such assistance to the general assembly in connection with pending or proposed legislation as required by the committee or by any law imposing duties on the committee. He **or she** is subject also in all respects to the law governing other persons appointed or employed by the committee. The division of **facilities management**, design and construction shall provide adequate office space in the capitol building for the revisor of statutes and the attorneys and employees associated with him **or her**.

8.110. DIVISION OF FACILITIES MANAGEMENT, DESIGN AND CONSTRUCTION CREATED, DUTIES.— There is hereby created within the office of administration a "Division of Facilities Management, Design[,] and Construction", which shall supervise the design, construction, renovations, maintenance, and repair of state facilities, except as provided in sections 8.015 and 8.017, and except those facilities belonging to the institutions of higher education, the highways and transportation commission, and the conservation commission, which shall be responsible to review all requests for appropriations for capital improvements. Except as otherwise provided by law, the director of the division of facilities management, design[,] and construction shall be responsible for the management and operation of office buildings titled in the name of the governor. The director shall exercise all diligence to ensure that all facilities within his **or her** management and control comply with the designated building codes; that they are clean, safe and secure, and in proper repair; and that they are adequately served by all necessary utilities.

8.115. ARMED SECURITY GUARDS FOR STATE-OWNED OR LEASED FACILITIES, NOT APPLICABLE TO COLE COUNTY.— Notwithstanding the provisions of chapter 571, the office of administration, division of facilities management, **design and construction**, is authorized to provide armed security guards at state-owned or leased facilities except at the seat of government and within the county which contains the seat of government, either through qualified persons employed by the office of administration, or through the use of a contract with a properly licensed firm.

8.180. DIRECTOR TO PAY CERTAIN COSTS.— In all cases where a court or other officer performs any lawful service, at the instance of any director of the division of **facilities management**, design and construction in and about the collection of debts due the state, and the costs have not nor cannot be made out of the defendant, the director of the division of **facilities management**, design and construction shall pay the same fees that other plaintiffs are bound to pay for similar services, and no other.

8.200. DIRECTOR MAY PROCEED AGAINST SHERIFF.— The director of the division of **facilities management**, design and construction shall proceed against any sheriff or peace officer who refuses to perform any duty, in the name of the state, in the same way and to the full extent that any other plaintiff in an action might or could do.

8.260. APPROPRIATIONS OF \$100,000 OR MORE FOR BUILDINGS, HOW PAID OUT. — All appropriations made by the general assembly amounting to one hundred thousand dollars or more for the construction, renovation, or repair of facilities shall be expended in the following manner:

(1) The agency requesting payment shall provide the commissioner of administration with satisfactory evidence that a bona fide contract, procured in accordance with all applicable procedures, exists for the work for which payment is requested;

(2) All requests for payment shall be approved by the architect or engineer registered to practice in the state of Missouri who designed the project or who has been assigned to oversee it;

(3) In order to guarantee completion of the contract, the agency or officer shall retain a portion of the contract value in accordance with the provisions of section 34.057;

(4) A contractor may be paid for materials delivered to the site or to a storage facility approved by the director of the division of **facilities management**, design and construction as having adequate safeguards against loss, theft or conversion. In no case shall the amount contracted for exceed the amount appropriated by the general assembly for the purpose.

8.310. DUTIES OF DIRECTOR AS TO CONSTRUCTION, REPAIRS AND PURCHASES — EXCEPTIONS. — Any other provision of law to the contrary notwithstanding, no contracts shall be let for design, repair, renovation or construction without approval of the director of the division of **facilities management**, design and construction, and no claim for design, repair, construction or renovation projects under contract shall be accepted for payment by the commissioner of administration without approval by the director of the division of **facilities management**, design and construction; except that the department of conservation, the boards of curators of the state university and Lincoln University, the several boards of regents of the state colleges and the boards of trustees of the community colleges may contract for architectural and engineering services for the design and supervision of the construction, repair, maintenance or improvement of buildings or institutions and may contract for construction, repair, maintenance or improvement. The director of the division of **facilities management**, design and construction shall not be required to review any claim for payment under any such contract not originally approved by him or her. No claim under any contract executed by the department of conservation or an institution of higher learning, as provided above, shall be certified by the commissioner of administration unless the entity making the claim shall certify in writing that the payment sought is in accordance with the contract executed by the entity and that the underlying construction, repair, maintenance or improvement conforms with applicable regulations promulgated by the director pursuant to section 8.320.

8.315. DUTIES OF DIRECTOR, CAPITAL IMPROVEMENT PROJECTS. — The director of **facilities management**, design and construction shall provide technical assistance to the director of the budget with regard to requests for capital improvement appropriations. The director shall review all capital improvement requests, including those made by the institutions of higher learning, the department of conservation or the highway commission, and shall recommend to the director of the budget and the governor those proposals which should be funded.

8.316. DIVISION TO PROMULGATE METHOD TO CALCULATE REPLACEMENT COST OF BUILDINGS OWNED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION. — The division of **facilities management**, design and construction shall promulgate a method to accurately calculate the replacement cost of all buildings owned by public institutions of higher education. The method shall be developed in cooperation with such institutions and shall include the necessary components and factors to accurately calculate a replacement cost. The division shall utilize a procedure to allow differences to be resolved and may include an alternative calculation where the original cost plus an inflation factor is utilized to determine a replacement cost value.

8.320. DIRECTOR TO PRESCRIBE CONDITIONS AND PROCEDURES FOR REPAIR AND MAINTENANCE OF BUILDINGS. — The director of the division of **facilities management**, design and construction shall set forth reasonable conditions to be met and procedures to be followed in the repair, maintenance, operation, construction and administration of state facilities. The conditions and procedures shall be codified and filed with the secretary of state in accordance with the provisions of the constitution. No payment shall be made on claims resulting from work performed in violation of these conditions and procedures, as certified by the director of the division of **facilities management**, design and construction.

8.325. CAPITAL IMPROVEMENTS, COST ESTIMATES, CONTENT REQUIREMENTS — RENTAL QUARTERS WITH DEFECTIVE CONDITIONS, REOCCUPATION BY STATE AGENCIES, WHEN. — 1. In addition to providing the general assembly with estimates of the cost of completing a proposed capital improvement project, the division of **facilities management**, design and construction shall provide the general assembly, at the same time as the division submits the estimate of the capital improvement costs for the proposed capital improvement project, an estimate of the operating costs of such completed capital improvement project for its first full year of operation. Such estimate shall include, but not be limited to, an estimate of the cost of:

(1) Personnel directly related to the operation of the completed capital improvement project, such as janitors, security, and other persons who would provide necessary services for the completed project or facility;

(2) Utilities for the completed project or facility; and

(3) Any maintenance contracts which would be entered into in order to provide services for the completed project or facility, such as elevator maintenance, boiler maintenance, and other similar service contracts with private contractors to provide maintenance services for the completed project or facility.

2. The costs estimates required by this section shall clearly indicate the additional operating costs of the building or facility due to the completion of the capital improvement project where such proposed project is for an addition to an existing building or facility.

3. Any agency of state government which removes from rental quarters or state-owned buildings because of defective conditions or any other state personnel shall be prevented from reoccupation of those quarters for a period of three years unless such defective conditions are renovated within a reasonable time before reoccupation.

8.330. INFORMATION AS TO CONDITION OF BUILDINGS, COLLECTION, AVAILABILITY. — The director of the division of **facilities management**, design and construction may secure information and data relating to state facilities from all departments and agencies of the state and each department and agency shall furnish information and data when requested by the director of the division of **facilities management**, design and construction. All information and data collected by the director of the division of **facilities management**, design and construction is available at all times to the general assembly upon request.

8.340. DIRECTOR TO KEEP FILE ON STATE LANDS AND CONDITION OF BUILDINGS. — The director of the division of **facilities management**, design and construction shall assemble and maintain complete files of information on the repair, utilization, cost and other data for all state facilities, including power plants, pump houses and similar facilities. He **or she** shall also assemble and maintain files containing a full legal description of all real estate owned by the state and blueprints of all state facilities.

8.350. DIRECTOR TO DELIVER PAPERS AND PROPERTY TO SUCCESSOR. — The director of the division of **facilities management**, design and construction shall deliver to his **or her** successor all property and papers of every kind in his **or her** possession, relative to the affairs

of state, make an inventory thereof, upon which he **or she** shall take a receipt of his **or her** successor, and deliver the same to the secretary of state.

8.360. INSPECTION AND REPORT AS TO CONDITION OF BUILDINGS. — The director of the division of **facilities management**, design and construction shall inspect all facilities and report to the general assembly at the commencement of each regular session on their condition, maintenance, repair and utilization.

8.700. DEFINITIONS. — As used in sections 8.700 to 8.745, unless the context clearly indicates otherwise, the following terms mean:

(1) "Blind person", a person who, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever such person shall select, has been determined to have not more than 20/200 central visual acuity in the better eye with correcting lenses, or an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20°;

(2) "Licensing agent", the [bureau of] **rehabilitation services for the blind of the family support division** [of family services];

(3) "Vending facility", a location which may sell, at wholesale or retail, food or food products, beverages, confections, newspapers, books, periodicals, tobacco products and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with applicable health laws. A "vending facility" may consist, exclusively or in appropriate combination, of automatic vending machines, cafeterias, snack bars, cart service, shelters, counters and such appropriate equipment as the licensing agent may by regulation prescribe as being necessary for the sale of the articles or services described in this subdivision. A "vending facility" may encompass more than one building.

8.800. DEFINITIONS. — As used in sections 8.800 to 8.825, the following terms mean:

(1) "Builder", the prime contractor that hires and coordinates building subcontractors or if there is no prime contractor, the contractor that completes more than fifty percent of the total construction work performed on the building. Construction work includes, but is not limited to, foundation, framing, wiring, plumbing and finishing work;

(2) "Department", the department of natural resources;

(3) "Designer", the architect, engineer, landscape architect, builder, interior designer or other person who performs the actual design work or is under the direct supervision and responsibility of the person who performs the actual design work;

(4) "District heating and cooling systems", heat pump systems which use waste heat from factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat sources in office buildings or which use ambient thermal energy from sources including temperature differences in rivers to provide regional heating or cooling;

(5) "Division", the division of **facilities management**, design and construction;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Gray water", all domestic wastewater from a state building except wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

(8) "Life cycle costs", the costs associated with the initial construction or renovation and the proposed energy consumption, operation and maintenance costs over the useful life of a state building or over the first twenty-five years after the construction or renovation is completed;

(9) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(10) "Renewable energy source", a source of thermal, mechanical or electrical energy produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources,

but not from the incineration of hazardous waste, municipal solid waste or sludge from sewage treatment facilities;

(11) "State agency", a department, commission, authority, office, college or university of this state;

(12) "State building", a building owned by this state or an agency of this state;

(13) "Substantial renovation" or "substantially renovated", modifications that will affect at least fifty percent of the square footage of the building or modifications that will cost at least fifty percent of the building's fair market value.

8.830. DEFINITIONS. — For purposes of sections 8.830 to 8.851, the following terms mean:

(1) "Department", the department of natural resources;

(2) "Director", the director of the department of natural resources;

(3) "Division", the division of **facilities management**, design and construction;

(4) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(5) "State building", a building owned or operated by the state, a state agency or department, a state college or a state university.

8.843. INTERAGENCY ADVISORY COMMITTEE ON ENERGY COST REDUCTION AND SAVINGS, MEMBERS, DUTIES. — There is hereby established an interagency advisory committee on energy cost reduction and savings. The committee shall consist of the commissioner of administration, the director of the division of **facilities management**, design and construction, the director of the department of natural resources, the director of the environmental improvement and energy resources authority, the director of the division of energy, the director of the department of transportation, the director of the department of conservation and the commissioner of higher education. The committee shall advise the department on the development of the minimum energy efficiency standard and state building energy efficiency rating system and shall assist the office of administration in implementing sections 8.833 and 8.835.

33.710. COMMITTEE, COMPOSITION — EXPENSES — OFFICERS. — 1. There is created "The Governmental Emergency Fund Committee" consisting of the governor, the commissioner of administration, the chairman and ranking minority member of the senate appropriations committee, the chairman and ranking minority member of the house [appropriations] **budget committee, or its successor committee**, and the director of the division of **facilities management**, design and construction who shall serve as consultant to the committee without vote.

2. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

3. The committee shall elect from among its members a chairman and vice chairman and such other officers as it deems necessary.

34.031. RECYCLED PRODUCTS, PREFERENCE FOR PRODUCTS MADE FROM SOLID WASTE — ELIMINATION OF PURCHASE OF PRODUCTS MADE FROM POLYSTYRENE FOAM — COMMISSIONER OF ADMINISTRATION, DUTIES — REPORT. — 1. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall give full consideration to the purchase of products made from materials recovered from solid waste and to the reduction and ultimate elimination of purchases of products manufactured in whole or in part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil,

retread tires, compost materials and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section.

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

(2) Review and modify the contract specifications for paper products and increase the minimum required percentage of recycled paper in each product as follows:

(a) Forty percent recovered materials for newsprint;

(b) Eighty percent recovered materials for paperboard;

(c) Fifty percent waste paper in high grade printing and writing paper;

(d) Five to forty percent in tissue products;

(3) Support federal incentives and policy guidelines designed to promote these goals;

(4) Develop and implement a cooperative procurement policy to facilitate bulk order purchases and to increase availability of recycled products. The policy shall be distributed to all state agencies and shall be made available to political subdivisions of the state;

(5) Conduct a survey using existing staff of those items customarily required by the state that are manufactured in whole or part from polystyrene plastic, and report its findings, together with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration with the department of natural resources, to the general assembly and every state agency within six months of August 28, 1995.

3. Notwithstanding the provisions of this section, no state agency may purchase any food or beverage containers or wrapping manufactured from any polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical.

4. No state agency may purchase any items made in whole or part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical without approval from the commissioner of administration. Approval shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director of the department of natural resources and the commissioner that there is no environmentally more acceptable alternatives or the quality of such alternatives is not adequate for the purpose intended.

5. For each paper product type and corresponding recycled paper content standard pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be:

(1) Ten percent in 1991 and 1992;

(2) Twenty-five percent in 1993 and 1994;

(3) Forty percent in 1995; and

(4) Sixty percent by 2000.

6. In the review of capital improvement projects for buildings and facilities of state government, the commissioner of administration shall direct the division of **facilities management**, design and construction to give full consideration to alternatives which use solid waste, as defined in section 260.200, as a fuel for energy production or which use products composed of materials recovered from solid waste.

7. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall prepare and provide by January first of each year an annual report summarizing past activities and accomplishments of the program and proposed goals of the program including projections for

each affected agency. The report shall also include a list of products utilizing recovered materials that could substitute for products currently purchased and a schedule of amounts purchased of products utilizing recovered materials compared to purchases of similar products utilizing virgin materials for the period covered by the annual report.

8. The office of administration, department of natural resources and department of economic development shall cooperate jointly and share to the greatest extent possible, information and other resources to promote:

- (1) Producers or potential producers of secondary material goods to expand or develop their product lines;
- (2) Increased demand for secondary materials recovered in Missouri; and
- (3) Increased demand by state government for products which contain secondary materials recovered in Missouri.

9. The commissioner of administration may increase minimum recycled content percentages for paper products, minimum recycled content percentages for other recycled products and establish minimum post-consumer content as such products become available. The preference provided in subsection 1 of this section shall apply to the minimum standards established by the commissioner.

36.030. PERSONNEL, ADMINISTRATION OF MERIT SYSTEM — AGENCIES AFFECTED — EXEMPTIONS — EMPLOYEE SUGGESTIONS, AWARDS AUTHORIZED. — 1. A system of personnel administration based on merit principles and designed to secure efficient administration is established for all offices, positions and employees, except attorneys, of the department of social services, the department of corrections, the department of health and senior services, the department of natural resources, the department of mental health, the division of personnel and other divisions and units of the office of administration, the division of employment security, mine safety and on-site consultation sections of the division of labor standards and administration operations of the department of labor and industrial relations, the division of tourism and [job development and training] **division of workforce development**, the Missouri housing development commission, and the office of public counsel of the department of economic development, the Missouri veterans commission, capitol police and state emergency management agency of the department of public safety, such other agencies as may be designated by law, and such other agencies as may be required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs; except that, the following offices and positions of these agencies are not subject to this chapter and may be filled without regard to its provisions:

- (1) Other provisions of the law notwithstanding, members of boards and commissions, departmental directors, five principal assistants designated by the departmental directors, division directors, and three principal assistants designated by each division director; except that, these exemptions shall not apply to the division of personnel;
- (2) One principal assistant for each board or commission, the members of which are appointed by the governor or by a director of the department;
- (3) Chaplains and attorneys regularly employed or appointed in any department or division subject to this chapter, except as provided in section 36.031;
- (4) Persons employed in work assignments with a geographic location principally outside the state of Missouri and other persons whose employment is such that selection by competitive examination and standard classification and compensation practices are not practical under all the circumstances as determined by the board by rule;
- (5) Patients or inmates in state charitable, penal and correctional institutions who may also be employees in the institutions;
- (6) Persons employed in an internship capacity in a state department or institution as a part of their formal training, at a college, university, business, trade or other technical school; except that, by appropriate resolution of the governing authorities of any department or institution, the

personnel division may be called upon to assist in selecting persons to be appointed to internship positions;

(7) The administrative head of each state medical, penal and correctional institution, as warranted by the size and complexity of the organization and as approved by the board;

(8) Deputies or other policy-making assistants to the exempt head of each division of service, as warranted by the size or complexity of the organization and in accordance with the rules promulgated by the personnel advisory board;

(9) Special assistants as designated by an appointing authority; except that, the number of such special assistants shall not exceed one percent of a department's total authorized full-time equivalent workforce;

(10) Merit status shall be retained by present incumbents of positions identified in this section which have previously been subject to this chapter.

2. All positions in the executive branch transferred to coverage pursuant to this chapter where incumbents of such positions have at least twelve months' prior service on the effective date of such transfer shall have incumbency preference and shall be permitted to retain their positions, provided they meet qualification standards acceptable to the division of personnel of the office of administration. An employee with less than twelve months of prior service on the effective date of such transfer or an employee who is appointed to such position after the effective date of such transfer and prior to the classification and allocation of the position by the division of personnel shall be permitted to retain his or her position, provided he or she meets acceptable qualification standards and subject to successful completion of a working test period which shall not exceed twelve months of total service in the position. After the allocation of any position to an established classification, such position shall thereafter be filled only in accordance with all provisions of this chapter.

3. The system of personnel administration governs the appointment, promotion, transfer, layoff, removal and discipline of employees and officers and other incidents of employment in divisions of service subject to this chapter, and all appointments and promotions to positions subject to this chapter shall be made on the basis of merit and fitness.

4. To encourage all state employees to improve the quality of state services, increase the efficiency of state work operations, and reduce the costs of state programs, the director of the division of personnel shall establish employee recognition programs, including a statewide employee suggestion system. The director shall determine reasonable rules and shall provide reasonable standards for determining the monetary awards, not to exceed five thousand dollars, under the employee suggestion system. Awards shall be made from funds appropriated for this purpose.

5. At the request of the senate or the house of representatives, the commissioner of administration shall submit a report on the employee suggestion award program described in subsection 4 of this section.

37.005. POWERS AND DUTIES, GENERALLY. — 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the [chief of the planning and construction division] **director of the division of facilities management, design and construction.**

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration

as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of 1974.

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

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

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

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

8. The commissioner of administration is hereby authorized to coordinate and control the acquisition and use of [electronic data processing (EDP) and automatic data processing (ADP)] **network, telecommunications, and data processing services** in the executive branch of state government. For this purpose, the office of administration will have authority to:

(1) Develop and implement a long-range computer facilities plan for the use of [EDP and ADP] **network, telecommunications, and data processing services** in Missouri state government. Such plan may cover, but is not limited to, operational standards, standards for the establishment, function and management of service centers, coordination of the data processing education, and planning standards for application development and implementation;

(2) Approve all additions and deletions of [EDP and ADP] **network, telecommunications, and data processing services** hardware, software, and support services, and service centers;

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

(4) Review of all state [EDP and ADP] **network, telecommunications, and data processing services** applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for [EDP and ADP] **network, telecommunications, and data processing services** hardware, software, and support service;

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

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers. The commissioner shall maintain a complete inventory of all state-owned or -leased [EDP and ADP] **network, telecommunications, and data processing**

services equipment, and annually submit a report to the general assembly which shall include starting and ending [EDP and ADP] **network, telecommunications, and data processing services** costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

9. Except as provided in subsection 12 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement to any rural electric cooperative as defined in chapter 394, municipal corporation, quasi-governmental corporation owning or operating a public utility, or a public utility, except railroads, as defined in chapter 386. The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any rural electric cooperative, as governed in chapter 394, municipal corporation, or quasi-governmental corporation owning or operating a public utility, or a public utility, except railroad, as defined in chapter 386. The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of ingress or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386 shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

10. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

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

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

13. Notwithstanding any provision of subsection 12 of this section to the contrary, the board of governors of Missouri Western State University, University of Central Missouri, Missouri State University, or Missouri Southern State University, or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University, or the board of curators of Lincoln University may convey or otherwise transfer for fair market value, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly. The provisions of this subsection shall expire August 28, 2017.

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

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

37.010. COMMISSIONER OF ADMINISTRATION, COMPENSATION, OATH OF OFFICE, DUTIES — VACANCY, GOVERNOR TO SERVE. — 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of administration, who shall head the "Office of Administration" which is hereby created. The commissioner of administration shall receive a salary as provided by law and shall also receive his **or her** actual and necessary expenses incurred in the discharge of his **or her** official duties. Before taking office, the commissioner of administration shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean himself **or herself** faithfully in office. [He] **The commissioner** shall also deposit with the governor a bond, with sureties to be approved by the governor, in the amount to be determined by the governor payable to the state of Missouri, conditioned on the faithful performance of the duties of his **or her** office. The premium of this bond shall be paid out of the appropriation for the office of the governor.

2. The governor shall appoint the commissioner of administration with the advice and consent of the senate. The commissioner shall be at least thirty years of age and must have been a resident and qualified voter of this state for the five years next preceding his appointment. He **or she** must be qualified by training and experience to assume the managerial and administrative functions of the office of commissioner of administration.

3. The commissioner of administration shall, by virtue of his **or her** office, without additional compensation, head the division of budget, the division of purchasing, the division of **facilities management**, design and construction, and the **information technology services** division [of electronic data processing coordination]. Whenever provisions of the constitution grant powers, impose duties or make other reference to the comptroller, they shall be construed as referring to the commissioner of administration.

4. The commissioner of administration shall provide the governor with such assistance in the supervision of the executive branch of state government as the governor requires and shall

perform such other duties as are assigned to him **or her** by the governor or by law. The commissioner of administration shall work with other departments of the executive branch of state government to promote economy, efficiency and improved service in the transaction of state business. The commissioner of administration, with the approval of the governor, shall organize the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office. He may consolidate, abolish or reassign duties of positions or divisions combined within the office of administration, except for the division of personnel. He **or she** may delegate specific duties to subordinates. These subordinates shall take the same oath as the commissioner and shall be covered by the bond of the director or by separate bond as required by the governor.

5. The personnel division, personnel director and personnel advisory board as provided in chapter 36 shall be in the office of administration. The personnel director and employees of the personnel division shall perform such duties as directed by the commissioner of administration for personnel work in agencies and departments of state government not covered by the merit system law to upgrade state employment and to improve the uniform quality of state employment.

6. The commissioner of administration shall prepare a complete inventory of all real estate, buildings and facilities of state government and an analysis of their utilization. Each year he **or she** shall formulate and submit to the governor a long-range plan for the ensuing five years for the repair, construction and rehabilitation of all state properties. The plan shall set forth the projects proposed to be authorized in each of the five years with each project ranked in the order of urgency of need from the standpoint of the state as a whole and shall be upgraded each year. Project proposals shall be accompanied by workload and utilization information explaining the need and purpose of each. Departments shall submit recommendations for capital improvement projects and other information in such form and at such times as required by the commissioner of administration to enable him **or her** to prepare the long-range plan. The commissioner of administration shall prepare the long-range plan together with analysis of financing available and suggestions for further financing for approval of the governor who shall submit it to the general assembly. The long-range plan shall include credible estimates for operating purposes as well as capital outlay and shall include program data to justify need for the expenditures included. The long-range plan shall be extended, revised and resubmitted in the same manner to accompany each executive budget. The appropriate recommendations for the period for which appropriations are to be made shall be incorporated in the executive budget for that period together with recommendations for financing. Each revised long-range plan shall provide a report on progress in the repair, construction and rehabilitation of state properties and of the operating purposes program for the preceding fiscal period in terms of expenditures and meeting program goals.

7. All employees of the office of administration, except the commissioner and not more than three other executive positions designated by the governor in an executive order, shall be subject to the provisions of chapter 36. The commissioner shall appoint all employees of the office of administration and may discharge the employees after proper hearing, provided that the employment and discharge conform to the practices governing selection and discharge of employees in accordance with the provisions of chapter 36.

8. The office of the commissioner of administration shall be in Jefferson City.

9. In case of death, resignation, removal from office or vacancy from any cause in the office of commissioner of administration, the governor shall take charge of the office and superintend the business thereof until a successor is appointed, commissioned and qualified.

[33.750.] 37.013. DEFINITIONS.— As used in this section and section [33.752] **37.014:**

(1) "Commission" refers to the Missouri minority business [development] **advocacy** commission established under section [33.752] **37.014;**

(2) "Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services;

(3) "Minority business enterprise" or "minority business" means an individual, partnership, corporation, or joint venture of any kind that is owned and controlled by one or more persons who are:

(a) United States citizens; and

(b) Members of a racial minority group;

(4) "Owned and controlled" means having:

(a) Ownership of at least fifty-one percent of the enterprise, including corporate stock of a corporation;

(b) Control over the management and day-to-day operations of the business; and

(c) An interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership;

(5) "Racial minority group" means:

(a) Blacks;

(b) American Indians;

(c) Hispanics;

(d) Asian Americans; and

(e) Other similar racial minority groups;

(6) "State agency" refers to an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive branch of state government.

[33.752.] 37.014. MINORITY BUSINESS ADVOCACY COMMISSION ESTABLISHED — MEMBERS — QUALIFICATIONS — TERMS — VACANCY — PER DIEM AND EXPENSES — MEETINGS — DUTIES — STAFF. — 1. There is hereby established the "Missouri Minority Business Advocacy Commission". The commission shall consist of nine members:

(1) The director of the department of economic development;

(2) The commissioner of the office of administration;

(3) Three minority business persons, appointed by the governor, one of whom shall be designated chairman of the commission;

(4) Two members of the house of representatives appointed by the speaker of the house of representatives;

(5) Two members of the senate appointed by the president pro tempore of the senate.

No more than two of the three members appointed by the governor may be of the same political party. Appointed members of the commission shall serve four-year terms, except that of the initial appointments made by the governor, one shall be for a two-year term, one shall be for a three-year term and one shall be for a four-year term. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. [The department of economic development and the office of administration shall develop a plan to increase procurements from minority businesses by all state departments and submit that plan to the governor by July, 1994.

3.] Each member appointed by the governor shall receive as compensation a per diem of up to thirty-five dollars for each day devoted to the affairs of the commission and be reimbursed for his **or her** actual and necessary expenses incurred in the discharge of his **or her** official duties.

[4.] 3. Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim committees. The allowances specified in this subsection shall be paid from the amounts appropriated for that purpose.

[5.] 4. The commission shall meet at least three times each year and at other times as the chairman deems necessary.

[6.] 5. The duties of the commission shall include, but not be limited to, the following:

- (1) Identify minority businesses in the state;
- (2) Assess the needs of minority businesses;
- (3) Initiate aggressive programs to assist minority businesses in obtaining state contracts and federal agency procurements;
- (4) Give special publicity to procurement, bidding, and qualifying procedures;
- (5) Include minority businesses on solicitation mailing lists;
- (6) Make recommendations regarding policies, programs and procedures to be implemented by the commissioner of the office of administration;
- (7) Prepare and maintain timely data on minority business qualified to bid on state and federal procurement projects;
- (8) Prepare a review of the commission and the various affected departments of government to be submitted to the governor and the general assembly on March first and October first of each year, evaluating progress made in the areas defined in this subsection;
- (9) Provide a focal point and assist and counsel minority small businesses in their dealings with federal, state and local governments regarding the obtaining of business licenses and permits, including, but not limited to, providing ready access to information regarding government requirements which affect minority small business;
- (10) Analyze current legislation and regulation as it affects minority business for the purpose of determining methods of elimination or simplification of unnecessary regulatory requirements;
- (11) Assist minority businesses in obtaining available technical and financial assistance;
- (12) Initiate and encourage minority business education programs, including programs in cooperation with various public and private educational institutions;
- (13) Receive complaints and recommendations concerning policies and activities of federal, state and local governmental agencies which affect minority small businesses, and develop, in cooperation with the agency involved, proposals for changes in policies or activities to alleviate any unnecessary adverse effects to minority small business.

[7.] 6. The [department of economic development] **office of administration** shall furnish administrative support and staff for the effective operation of the commission.

[33.756.] 37.016. MINORITY BUSINESS ADVOCACY COMMISSION TO CONFER WITH DIVISION OF TOURISM ON RULES. — The minority business [development] **advocacy** commission shall consult with the tourism commission in establishing rules and regulations for African-American and other minority business participation.

37.020. DEFINITIONS — SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS — PLAN TO INCREASE AND MAINTAIN PARTICIPATION — STUDY — OVERSIGHT REVIEW COMMITTEE, MEMBERS. — 1. As used in this section, the following words and phrases mean:

- (1) "Certification", the determination, through whatever procedure is used by the office of administration, that a legal entity is a socially and economically disadvantaged small business concern for purposes of this section;
- (2) "Department", the office of administration and any public institution of higher learning in the state of Missouri;
- (3) "Minority business enterprise", a business that is:
 - (a) A sole proprietorship owned and controlled by a minority;
 - (b) A partnership or joint venture owned and controlled by minorities in which at least fifty-one percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least fifty-one percent owned by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;

(4) "Socially and economically disadvantaged individuals", individuals, regardless of gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area. In determining the degree of diminished credit and capital opportunities the office of administration shall consider, but not be limited to, the assets and net worth of such individual;

(5) "Socially and economically disadvantaged small business concern", any small business concern:

(a) Which is at least fifty-one percentum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least fifty-one percentum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(b) Whose management and daily business operations are controlled by one or more of such individuals;

(6) "Women's business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a woman;

(b) A partnership or joint venture owned and controlled by women in which at least fifty-one percent of the ownership interest is held by women and the management and daily business operations of which are controlled by one or more of the women who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least fifty-one percent owned by women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more women.

2. The office of administration, in consultation with each department, shall establish and implement a plan to increase and maintain the participation of certified socially and economically disadvantaged small business concerns or minority business enterprises, directly or indirectly, in contracts for supplies, services, and construction contracts, consistent with goals determined after an appropriate study conducted to determine the availability of socially and economically disadvantaged small business concerns and minority business enterprises in the marketplace. [Such study shall be completed by December 31, 1991.] The commissioner of administration shall appoint an oversight review committee to oversee and review the results of such study. The committee shall be composed of nine members, four of whom shall be members of business, three of whom shall be from staff of selected departments, one of whom shall be a member of the house of representatives, and one of whom shall be a member of the senate.

3. The goals to be pursued by each department under the provisions of this section shall be construed to overlap with those imposed by federal law or regulation, if any, shall run concurrently therewith and shall be in addition to the amount required by federal law only to the extent the percentage set by this section exceeds those required by federal law or regulations.

37.110. INFORMATION TECHNOLOGY SERVICES DIVISION ESTABLISHED. — The commissioner of administration shall establish [a data processing unit] **the information technology services division** within the office, and this [unit] **division** shall make recommendations and suggestions to all agencies and departments, and to the general assembly. No state data processing equipment shall be added or disposed of by any state agency by sale, lease or otherwise without the approval of this unit.

43.251. REPORT FORMS — HOW PROVIDED, CONTENTS — APPROVAL BY SUPERINTENDENT. — 1. The [Missouri division of highway safety] **state highways and transportation commission** shall prepare and upon request supply to police departments, sheriffs, and other appropriate agencies or individuals forms for written accident reports as required by section 43.250 and this section. Reports shall call for sufficiently detailed information to disclose, with reference to a vehicle accident, the cause, conditions then existing and the persons and vehicles involved.

2. Every written or computer-generated accident report required to be made shall be submitted on the appropriate form or in the appropriate computer format approved by the superintendent of the Missouri state highway patrol and shall contain all the information required therein unless not available.

64.090. PLANNING AND ZONING POWERS OF COUNTY COMMISSION — GROUP HOMES CONSIDERED SINGLE-FAMILY DWELLINGS — EXEMPTIONS (CERTAIN COUNTIES OF THE FIRST CLASSIFICATION). — 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This section shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except that reasonable regulations may be adopted for the gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with such public utility services as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission.

4. For the purpose of any zoning regulation adopted under the provisions of sections 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons. The classification of single-family dwelling or single-family residence shall also include any private residence licensed by the **children's** division [of family services] or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. A zoning regulation may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards and may also establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling or single-family residence area. Should a single-family

dwelling or single-family residence as defined in this subsection cease to operate for the purposes specified in this subsection, any other use of such dwelling or residence, other than that allowed by the zoning regulations, shall be approved by the county board of zoning adjustment. Nothing in this subsection shall be construed to relieve the **children's** division [of family services], the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

89.020. POWERS OF MUNICIPAL LEGISLATIVE BODY — GROUP HOMES, CLASSIFICATION, STANDARDS, RESTRICTIONS — ENFORCEMENT OF ZONING BEYOND LAKE SHORELINES, WHEN, HOW — FOSTER HOMES, CLASSIFICATIONS OF — CERTAIN MUNICIPALITIES MAY ADOPT COUNTY ZONING REGULATIONS. — 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as [defined] **described** in this section from and after September 28, 1985.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns and villages.

5. Should a single family dwelling or single family residence as defined in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the **children's** division [of family services] or department of mental health to provide foster care to one or more

but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the **children's** division [of family services], the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations.

135.326. DEFINITIONS. — As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the **children's** division [of family services], or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

135.335. CREDIT REDUCED, AMOUNT, WHEN. — In the year of adoption and in any year thereafter in which the credit is carried forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's cost of providing care, treatment, maintenance and services when:

(1) The special needs child is placed, with no intent to return to the adoptive home, in foster care or residential treatment licensed or operated by the **children's** division [of family services], the division of youth services or the department of mental health; or

(2) A juvenile court temporarily or finally relieves the adoptive parents of custody of the special needs child.

135.339. RULES AUTHORIZED, PROCEDURE. — The director of revenue, in consultation with the **children's** division [of family services], shall prescribe such rules and regulations

necessary to carry out the provisions of sections 135.325 to 135.339. No rule or portion of a rule promulgated under the authority of sections 135.325 to 135.339 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

143.782. DEFINITIONS. — As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

- (1) "Court", the supreme court, court of appeals, or any circuit court of the state;
- (2) "Debt", any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum, court costs as defined in section 488.010, fines and fees owed, or any support obligation which is being enforced by the **family support** division [of family services] on behalf of a person who is receiving support enforcement services pursuant to section 454.425, or any claim for unpaid health care services which is being enforced by the department of health and senior services on behalf of a hospital or health care provider under section 143.790;
- (3) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;
- (4) "Department", the department of revenue of the state of Missouri;
- (5) "Refund", the Missouri income tax refund which the department determines to be due any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035 unless such refund is being offset for a delinquency or debt relating to individual income tax or a property tax credit; and
- (6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri, including public community college districts and housing authorities as defined in section 99.020.

143.790. UNPAID HEALTH CARE SERVICES TO HOSPITALS OR HEALTH CARE PROVIDERS, CLAIM MAY BE MADE ON DEBTOR'S TAX REFUND — REMAINDER TO BE DEBT OF DEPARTMENT OF HEALTH AND SENIOR SERVICES. — 1. Any hospital or health care provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208 and the health insurance for uninsured children under sections 208.631 to 208.657 at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the director of the department of health and senior services for the unpaid health care services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt of the department of health and senior services for purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the director of the department of health and senior services shall submit the debt to the department of revenue under the setoff procedure established under section 143.783.

2. At the time of certification, the director of the department of health and senior services shall supply any information necessary to identify each debtor whose refund is sought to be set off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

3. If a debtor identified by the director of the department of health and senior services is determined by the department of revenue to be entitled to a refund, the department of revenue shall notify the department of health and senior services that a refund has been set off on behalf of the department of health and senior services for purposes of this section and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When

the refund owed exceeds the claimed debt, the department shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by certified mail the taxpayer whose refund is sought to be set off that such setoff will be made. The notice shall contain the provisions contained in subsection 3 of section [143.794] **143.784**, including the opportunity for a hearing to contest the setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3 of section 143.784.

5. Once a debt has been set off and finally determined under the applicable provisions of sections 143.782 to 143.788, and the department of health and senior services has received the funds transferred from the department of revenue, the department of health and senior services shall settle with each hospital or health care provider for the amounts that the department of revenue set off for such party. At the time of each settlement, each hospital or health care provider shall be charged for administration expenses which shall not exceed twenty percent of the collected amount.

6. Lottery prize payouts made under section 313.321 shall also be subject to the setoff procedures established in this section and any rules and regulations promulgated thereto.

7. The director of the department of revenue shall have priority to offset any delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to meet a child support obligation that is enforced by the **family support** division [of family services] on behalf of a person who is receiving support enforcement services under section 454.425.

8. The director of the department of revenue and the director of the department of health and senior services shall promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

143.1002. TAX REFUND CREDITED TO HOME DELIVERED MEALS TRUST FUND — CONTRIBUTIONS ACCEPTED — DIRECTOR OF REVENUE TO TRANSFER CONTRIBUTIONS, TRUST FUND CREATED — STATE TREASURER TO ADMINISTER FUND. — 1. In each tax year beginning on or after January 1, 1993, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation pursuant to this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the elderly home-delivered meals trust fund, established in subsection 3 of this section. The contribution designation authorized by this section shall be clearly and unambiguously printed on each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation pursuant to this section wishes to make a contribution to the [division of aging] **department of health and senior services** elderly home-delivered meals trust fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the [division of aging] **department of health and senior services** elderly home-delivered meals trust fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals or corporations pursuant to this section, less an amount not to exceed five percent of such transferred contributions which is sufficient to cover the cost of collection and handling by

the department of revenue, to the state treasurer for deposit in the state treasury to the credit of the elderly home-delivered meals trust fund. A contribution designated pursuant to this section shall only be transferred and deposited in the elderly home-delivered meals trust fund after all other claims against the refund from which such contribution is to be made have been satisfied.

3. There is hereby established in the state treasury the "Elderly Home-Delivered Meals Trust Fund", which shall consist of all moneys deposited in the fund pursuant to subsection 2 of this section. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the department of health and senior services for assistance in preparing and transporting meals to elderly persons in this state through a program designed to meet such purposes. These funds shall be transferred by the department to the area agencies on aging using the same formula as used for distribution of federal Older Americans Act moneys and moneys from the general revenue fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the elderly home-delivered meals trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

160.545. A+ SCHOOL PROGRAM ESTABLISHED — PURPOSE — RULES — VARIABLE FUND MATCH REQUIREMENT — WAIVER OF RULES AND REGULATIONS, REQUIREMENT — REIMBURSEMENT FOR HIGHER EDUCATION COSTS FOR STUDENTS — EVALUATION — REIMBURSEMENT FOR TWO-YEAR SCHOOLS. — 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

- (1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and
- (2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and
- (3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and
- (4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

4. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

5. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

6. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 7 of this section.

7. The [commissioner of] **department of higher** education shall, by rule [and regulation of the state board of education and with the advice of the coordinating board for higher education], establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 9 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section[,] ; except that, students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the [state board of] **department of higher** education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

8. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted

annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

9. For a two-year private vocational or technical school to obtain reimbursements under subsection 7 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

160.700. NATIONAL GUARD PILOT INSTRUCTION PROGRAM — DUTIES — QUALIFICATIONS — FUND. — 1. There is hereby established a pilot program for public middle school students using military training and motivation methods. This program shall be established jointly by the department of elementary and secondary education, the department of social services and the National Guard.

2. The program may include and emphasize appropriate role model examples, adventure training, codes of conduct and policies on discipline as necessary to train students to become personally disciplined.

3. Students in the seventh or eighth grade may apply to attend the program upon recommendation of their school administration, or upon recommendation by local **children's** division [of family services] counselors.

4. This program shall be a four-week residential program at a National Guard facility during which time military training instructors from the National Guard shall have overall responsibility for the students. Academic instruction shall be provided by the local school system and needed training for the families of the students shall be provided by school counselors or the department of social services.

5. There is hereby established in the state treasury the "National Guard Pilot Instruction Program Fund". The pilot program of public instruction established pursuant to this section shall be funded by moneys from this fund. The fund may receive any grants, gifts, donations and appropriations for the purpose of establishing and operating this program.

161.418. DEPARTMENT TO DEVELOP CRITERIA — APPLICANT PREFERENCE OF SCHOOLS. — 1. The department of [elementary and secondary] **higher** education shall develop criteria, with input from teacher educators in this state, to select which of the eligible applicants shall receive the scholarships made available under sections 161.415 to 161.424.

2. Students making application for the scholarships provided under sections 161.415 to 161.424 shall indicate their first, second, and third preference as to which of the colleges and universities which have provided the necessary matching funds to participate in the scholarship program established under sections 161.415 to 161.424 they wish to attend. The department of [elementary and secondary] **higher** education, in conjunction with those colleges and universities which have provided the necessary matching funds, shall develop procedures for matching students eligible for the scholarships provided under sections 161.415 to 161.424 with such colleges and universities.

161.424. RECIPIENTS OF SCHOLARSHIPS TO TEACH IN THIS STATE — TERMS, CONDITIONS — DEFERRAL OF PAYMENTS. — 1. Every student receiving scholarships under

the provisions of sections 161.415 to 161.424 shall teach in an elementary or secondary public school in this state for a period of five years after receiving a degree or the scholarship shall be treated as a loan to the student and interest at the rate of nine and one-half percent per year shall be charged upon the unpaid balance of the amount received from the date the student ceases to teach until the amount received is paid back to the state. For each year that the student teaches up to five years, one-fifth of the amount which was received under sections 161.415 to 161.424 shall be applied against the total amount received and shall not be subject to the repayment requirement of this section.

2. The [state board of] **department of higher** education shall have the power to and shall defer interest and principal payments under certain circumstances, which shall include, but need not be limited to, the enrollment in a graduate program, service in any branch of the armed forces of the United States, or teaching in areas of critical need as defined by the state board of **education**.

[191.850.] 161.900. DEFINITIONS. — As used in sections [191.850 to 191.863] **161.900 to 161.945**, the following terms mean:

(1) "Accessibility", compliance with nationally accepted accessibility and usability standards, such as those established in Section 255 of the Telecommunications Act of 1996 and Section 508 of the Workforce Investment Act of 1998;

(2) "Assistive technology device", any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities;

(3) "Assistive technology service", any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device. Such term includes:

(a) The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(b) Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(f) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, who employ, or who are otherwise substantially involved in the major life functions of individuals with disabilities;

(4) "Individual with disabilities", any individual who is considered to have a disability or handicap for the purposes of any federal or Missouri law;

(5) "Information technology", any electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including audio, graphic and text;

(6) "State department or agency", each department, office, board, bureau, commission, or other unit of the executive, legislative or judicial branch of state government, including public four-year and two-year colleges and universities;

(7) "Undue burden", significant difficulty or expense, including, but not limited to, difficulty or expense associated with technical feasibility.

[191.853.] 161.905. ASSISTIVE TECHNOLOGY COUNCIL ESTABLISHED — MEMBERS, QUALIFICATIONS, TERMS, CHAIRPERSON HOW SELECTED — MEETINGS. — 1. The "Missouri Assistive Technology Advisory Council" is hereby established, as created pursuant to the Missouri state grant under Title I of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100-407.

2. The voting membership of the advisory council shall be composed of twenty-three members. [The members of the council that are serving on August 28, 1993, shall continue to serve in their normal capacities. The original twenty-one members shall determine by lot which seven are to have a one-year term, which seven are to have a two-year term, and which seven are to have a three-year term. Thereafter,] The successors to each of the **original** twenty-one members shall serve a three-year term and until his **or her** successor is appointed by the governor. The members appointed by the governor shall include twelve consumer representatives, the group consisting of individuals with disabilities, parents, spouses, or guardians of individuals with disabilities and shall include a variety of types of disabilities across the age span from all geographic areas of the state, and nine agency representatives, the group consisting of one representative of the division of vocational rehabilitation, one representative of the division of special education, one representative of the department of insurance, financial institutions and professional registration, one representative of rehabilitation services for the blind, one representative of the **MO HealthNet** division [of medical services], one representative of the department of health and senior services, one representative of the department of mental health, and two representatives of other agencies or organizations responsible for the service delivery, policy implementation, and funding of assistive technology. In addition, one member who is a member of the house of representatives shall be appointed by the speaker of the house and one member who is a member of the senate shall be appointed by the president pro tempore of the senate. The appointment of individuals representing state agencies shall be conditioned on their continued employment with their respective agencies.

3. A chairperson shall be elected by the council. The council shall meet at the call of the chairperson, but not less often than four times each year.

[191.855.] 161.910. BYLAWS TO BE ADOPTED BY COUNCIL, NO COMPENSATION BUT TO BE PAID EXPENSES. — 1. The council shall adopt written bylaws to govern its activities.

2. Members shall receive no additional compensation for their service to the council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties.

[191.857.] 161.915. COUNCIL ASSIGNED TO AGENCY FOR TECHNOLOGICAL-RELATED ASSISTANCE TO INDIVIDUALS WITH DISABILITIES. — The Missouri assistive technology advisory council is assigned to the lead agency for the Technology-Related Assistance for Individuals with Disabilities Act as designated by the governor so long as funds are available under such act.

[191.858.] 161.920. COUNCIL ASSIGNED TO DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION, WHEN — APPROPRIATION REQUIRED FOR CONTINUED ACTIONS AND STAFF. — At such time that federal funds are no longer provided pursuant to the Technology-Related Assistance for Individuals with Disabilities Act, as amended, the council shall be assigned to the [office of administration] **department of elementary and secondary education** as if by a type III transfer, as this term is defined in paragraph (c) of subdivision (1) of subsection 7 of section 1 of the omnibus state reorganization act of 1974. The council may not take any official action after the assignment to the [office of administration] **department of elementary and secondary education** unless or until funds are specifically appropriated by line item to fund the actions of the council and to provide the staff and expenses necessary to carry out the official duties and responsibilities of the council.

[191.859.] 161.925. DUTIES OF COUNCIL. — The council shall advocate for assistive technology policies, regulations and programs, and shall establish a consumer-responsive, comprehensive assistive technology service delivery system. The council shall:

(1) Promote awareness of the needs of individuals with disabilities for assistive technology devices and services and the efficacy of providing such devices and services to allow persons with disabilities to be productive and independent;

(2) Gain an understanding of current policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology and recommend methods to streamline such policies;

(3) Research and study data from the major public and private providers of assistive technology regarding numbers and types of devices and services delivered;

(4) Establish interagency coordination mechanisms among state agencies and public and private entities that provide assistive technology devices and services in an effort to eliminate gaps and reduce duplication of such services to individuals with disabilities;

(5) Foster the capacity of public and private entities to provide assistive technology devices and services so that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology as needed to function independently and productively;

(6) Recommend and implement specific methods and programs to increase availability of and funding for assistive technology devices and assistive technology services for individuals with disabilities;

(7) Employ staff necessary to implement assistive technology services and programs assigned to the council, with all employees exempt from the state merit system under chapter 36;

(8) Enter into grants or contracts with public or private agencies, schools, or qualified individuals or organizations to deliver federally required or otherwise necessary assistive technology programs and services, including but not limited to assistive device demonstration programs, device recycling programs, device loan programs, financial loan programs, and assistive technology assessments, installation, and usage training for individuals with disabilities, with or without utilizing the procurement procedures of the office of administration;

(9) Administer the assistive technology trust fund created in section [191.861] **161.930**, including the formation of a not-for-profit corporation that qualifies as a Section 501(c)(3) organization under the Internal Revenue Code of 1986, as amended;

(10) Accept, administer, and disburse federal moneys as the lead agency for the federal Assistive Technology Act of 2004, P.L. 108-364, and any amendments or successors thereto, as well as moneys from the assistive technology trust fund created in section [191.861] **161.930**, and any other moneys appropriated, granted, or given for the purpose of implementing assistive technology programs and services; and

(11) Report annually by January first to the governor and the general assembly on council activities and the results of its studies, programs, services, and recommendations to increase access to assistive technology.

[191.861.] 161.930. ASSISTIVE TECHNOLOGY TRUST FUND CREATED, USE OF MONEYS.
— 1. There is hereby created in the state treasury the "Assistive Technology Trust Fund" which shall be a public/private partnership fund administered by the advisory assistive technology council. The fund shall consist of gifts, donations, grants, and bequests from individuals, private organizations, foundations, or other sources granted or given for the specific purpose of assistive technology, and moneys transferred or paid to the council in return for goods and services provided by the council.

2. Upon appropriation, moneys in the fund shall be used to establish and maintain assistive technology programs and services provided by the council under section [191.859] **161.925** and shall not be used to supplant any existing program or service.

3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

4. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[191.863.] 161.935. COUNCIL TO ASSURE COMPLIANCE WITH FEDERAL ACCESSIBILITY LAWS — DUTIES OF COUNCIL TO ASSURE ACCESSIBILITY. — 1. The council shall work in conjunction with the office of information technology **services division** to assure state compliance with the provisions of Section 508 of the Workforce Investment Act of 1998 regarding accessibility of information technology for individuals with disabilities.

2. When developing, procuring, maintaining or using information technology, or when administering contracts or grants that include the procurement, development, or upgrading of information technology, each state department or agency shall ensure, unless an undue burden would be imposed on the department or agency, that the information technology allows employees, program participants and members of the general public access to and use of information and data that is comparable to the access by individuals without disabilities.

3. To assure accessibility, the council and the office of information technology **services division** shall:

(1) Adopt accessibility standards to be used by each state department or agency in the procurement of information technology, and in the development and implementation of custom-designed information technology systems, websites and other emerging information technology systems;

(2) Establish and implement a review procedure to be used to evaluate the accessibility of custom-designed information technology systems proposed by a state department or agency prior to expenditure of state funds;

(3) Review and evaluate accessibility of information technology commonly purchased by state departments and agencies, and provide accessibility reports on such products to those responsible for purchasing decisions;

(4) Provide training and technical assistance for state departments and agencies to assure procurement of information technology that meets adopted accessibility standards;

(5) Involve individuals with disabilities in accessibility reviews of information technology and in the delivery of training and technical assistance;

(6) Establish complaint procedures, consistent with Section 508 of the Workforce Development Act of 1998 to be used by an individual with a disability who alleges that a state department or agency fails to comply with the provisions of this section.

[191.865.] 161.940. ASSISTIVE TECHNOLOGY LOAN PROGRAM CREATED — COUNCIL TO PROMULGATE RULES TO ENFORCE. — 1. The Missouri assistive technology advisory council, established in section [191.853] **161.905**, shall establish an assistive technology loan program. The loan program shall be funded from the assistive technology loan revolving fund established pursuant to section [191.867] **161.945**. The fund shall receive any appropriation and grant moneys received pursuant to subsection 2 of this section to provide loans for the purchase of assistive technology devices and services, as defined in section [191.850] **161.900**.

2. The loan program shall provide loans for the first fiscal year following appropriation. Any matching grant moneys received by the state pursuant to Title III of the federal Assistive Technology Act of 1998 or through any other applicable sources shall be used to fund the loan program. The state treasurer shall provide the assistive technology advisory council with information on the amount of moneys in the assistive technology loan revolving fund at the beginning of each fiscal year. The council shall quarterly expend such moneys in four equal shares to ensure that the loan program will provide loans throughout the entire fiscal year. Any repayments or interest earned during a fiscal year shall not be used for loans in the current fiscal year, but shall be carried over for use in the next fiscal year.

3. The interest rates for loans shall be lower than comparable commercial lending rates and shall be established by the council based on the borrower's ability to pay. Loans may be made with no interest. Loan repayment periods shall not exceed ten years.

4. The council shall:

(1) Promulgate rules relating to borrower eligibility, interest rates, repayment terms and other matters necessary to implement the purpose of this section, including limits on the number and amounts of loans to assure the continued solvency of the fund; and

(2) File annual reports with the governor and general assembly which shall include an accounting of the loans and repayments to the fund during the preceding fiscal year.

5. The council may enter into contracts as necessary to carry out the purposes of this section, including but not limited to contracts with disability organizations and lending institutions.

6. By no later than January 1, 2001, the council shall submit a report to the general assembly regarding any rules proposed or promulgated for the implementation of this program.

7. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[191.867.] 161.945. ASSISTIVE TECHNOLOGY LOAN REVOLVING FUND ESTABLISHED. —

1. In order to allow Missourians with disabilities to take advantage of Title III of the federal Assistive Technology Act of 1998, there is hereby created in the state treasury the "Assistive Technology Loan Revolving Fund" which shall be administered by the Missouri assistive technology advisory council and the state treasurer.

2. Moneys in the fund shall, upon appropriation, be used to establish and maintain the assistive technology loan program established in section [191.865] **161.940**.

3. The fund shall consist of any moneys appropriated to the fund, repayments of principal and interest by qualified borrowers, and interest earned on the moneys in the fund.

4. The fund may accept federal, state and other public funds, public or private grants, contributions and loans to the fund with the approval of the Missouri assistive technology advisory council.

5. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not revert to the general revenue fund at the end of the biennium.

167.034. ABSENCES IN ST. LOUIS CITY REPORTED TO CHILDREN'S DIVISION, WHEN, NOTIFICATION REQUIREMENTS — DUTIES OF CHILDREN'S DIVISION. — 1. In any city not within a county where a child under the age of seventeen required to attend school under section 167.031 accumulates fifteen or more absences during any one school year, the child's school district shall report such absences to the [division of family services,] children's division[,] within ten business days of the fifteenth day of absence. Such notification, which shall be in written form and retained in the student's school records, shall include:

(1) The student's full name and parents' or guardians' full names;

(2) The addresses and phone numbers of the student and parents or guardians;

(3) The student's date of birth and age;

(4) The student's current school and grade level;

(5) The student's current grades for all classes in which the student is enrolled; and

(6) The total number of days missed and specific days missed from school.

2. Upon receipt of a report of the absences of a child under this section, the children's division shall notify the child's parent or guardian that the child has accumulated fifteen or more absences and such report may be subject to the educational neglect provisions under section 210.145. The notification required under this section is required regardless of whether a student's parent or guardian contacted the school and approved of the absences.

167.122. PLACED PUPILS, NOTIFICATION OF DISTRICT, DISTRIBUTION OF INFORMATION. — 1. Notwithstanding any provisions of chapter 211 or chapter 610 to the contrary the juvenile

officer or an employee of the **children's** division [of family services] shall notify the school district that a child under judicial custody pursuant to subsection 3 of section 211.031 is being enrolled in that district or that a child already enrolled has been taken into judicial custody.

2. The notification shall be given to the superintendent of schools or a designee, either orally or in writing, at the time of enrollment or no later than five days following the court taking custody of the child under subsection 3 of section 211.031. If the report is made orally, written notice shall follow in a timely manner. The notification shall describe any conduct that involved physical force with the intent to do serious bodily harm to another person but shall not include the name of any victim other than the child.

3. The superintendent or a designee is authorized to share this information with teachers and other school district employees with a need to know while acting within the scope of their assigned duties pursuant to subsection 2 of section 160.261. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purposes of assuring that good order and discipline is maintained in the school, or for intervention and counseling purposes for the benefit of the child. The information shall not be part of the child's permanent record. The information shall not be used as the sole basis for denying educational services to a pupil.

167.123. NOTIFICATION TO SUPERINTENDENT, WHEN, MANNER — RESPONSIBILITY OF SUPERINTENDENT UPON NOTIFICATION — CONFIDENTIALITY OF INFORMATION. — 1. Notwithstanding any other provisions of this chapter, or chapter 610, to the contrary, the juvenile officer or an employee of the **children's** division [of family services] shall notify the superintendent of the school district in which the child is enrolled, or the superintendent's designee, upon request by the superintendent or designee regarding such child, when a case is active regarding the child.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the request by the superintendent or designee. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the case involving the pupil, the conduct the child is alleged to have committed, if any, and the dates the conduct occurred but shall not include the name of any victim other than the child.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purposes of assuring that good order and discipline is maintained in the school, or for intervention and counseling purposes for the benefit of the child. The information shall not be part of the child's permanent record. The information shall not be used as the sole basis for not providing educational services to a pupil.

169.520. FUNDS NOT SUBJECT TO EXECUTION, GARNISHMENT OR ATTACHMENT AND NOT ASSIGNABLE — EXCEPTIONS. — Any funds created by sections 169.410 to 169.540 while in the charge and custody of the board of trustees of such retirement system shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable except as in sections 169.410 to 169.540 specifically provided or in the case of a proper order of child support issued through the **family support** division [of child support enforcement].

172.875. ORGAN TRANSPLANT PROGRAM, UNIVERSITY OF MISSOURI — MISSOURI KIDNEY PROGRAM TO ESTABLISH GUIDELINES — ADMINISTRATIVE COSTS. — 1. The Missouri kidney program in the University of Missouri, a statewide program that provides treatment for renal disease, shall administer a separate program to provide assistance for immunosuppressive pharmaceuticals and other services for other organ transplant patients. The Missouri kidney program shall establish guidelines and eligibility requirements and procedures,

similar to those established to serve eligible end-stage renal disease patients, for other organ transplant patients to receive assistance pursuant to this section.

2. Every person who receives assistance as a new participant in the Missouri kidney program pursuant to this section shall pay the administrative costs associated with such person's participation in the program.

3. The Missouri kidney program shall coordinate efforts with the divisions of family [services and medical services] **support and MO HealthNet** in the department of social services to provide the most efficient and cost-effective assistance to organ transplant patients.

4. From funds appropriated to provide assistance pursuant to this section, the priority shall be to provide pharmaceutical services. If other funds are available through the transplant program, other services for the treatment of organ transplant patients may be provided.

181.110. AGENCIES TO AID IN PUBLICATION OF STATE PUBLICATIONS — STATE LIBRARY TO PROVIDE ELECTRONIC REPOSITORY, RESPONSIBILITIES — PARTICIPATING LIBRARIES — RULEMAKING AUTHORITY. — 1. For the purpose of providing the services described in this section, each agency shall have the following responsibilities and powers:

(1) To submit to the state library electronically each publication created by the agency in a manner consistent with the state's enterprise architecture;

(2) To determine the format used to publish;

(3) For those publications which the agency determines shall be printed and published in paper, to supply the number of copies for participating libraries as determined by the secretary of state;

(4) To assign a designee as a contact for the state publications access program and forward this information to the secretary of state annually.

2. For the purpose of providing the services described in this section, the secretary of state shall have the following responsibilities:

(1) [The secretary,] Through the state library, [shall] **to** provide a secure electronic repository of state publications. Access to the state publications in the repository shall be provided through multiple methods of access, including the statewide online library catalog and a publicly accessible electronic network;

(2) [The secretary shall] **To** create, in administrative rule, the criteria for selection of participating libraries and the responsibilities incumbent upon those libraries in serving the citizens of Missouri;

(3) [The secretary shall] **To** set by administrative rule the electronic formats acceptable for submission of publications to the electronic repository;

(4) [The secretary] May issue and promulgate rules to enforce, implement and effectuate the powers and duties established in sections 181.100 to 181.130.

3. For the purpose of providing the services described in this section, the state library shall have the following responsibilities, all to be performed in a manner consistent with e-government:

(1) [The state library shall] **To** administer the electronic repository of state publications for access by the citizens of Missouri, and receive and distribute publications in other formats, which will be housed and made available to the public by the participating libraries;

(2) [The state library shall] **To** ensure the organization and classification of state publications regardless of formats and the distribution of materials in additional formats to participating libraries;

(3) [The state library shall] **To** publish regularly a list of all publications of the agencies, regardless of format.

4. For the purpose of providing the services described in this section, the participating libraries shall have the following responsibilities:

(1) To ensure citizens who come to the library will be able to access publications electronically;

(2) To maintain paper copies of those state publications that agencies publish in paper that are designated by the secretary of state to be included in the Missouri state publications access program;

(3) To maintain a collection of older state publications published by the agencies in paper and designated by the secretary of state to be included in the Missouri state publications access program;

(4) To provide training for staff of other libraries to assist the public in the use of state publications;

(5) To assist agencies in the distribution of paper copies of state publications to the public.

5. All responsibilities and powers set out in this section shall be carried out consistent with the provisions of section [191.863] **161.935**.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

186.019. REPORT FROM CERTAIN STATE AGENCIES TO COUNCIL AND DESIGNATED OFFICIALS—CONTENTS—DUE, WHEN. — 1. Prior to April first of each year, starting in 1992, the information described in subdivisions (1), (2), (3) and (4) of this subsection shall be delivered in report form to the Missouri women's council, the governor's office, the secretary of the senate, and the chief clerk of the house of representatives. The information shall apply only to activities which occurred during the previous calendar year. Reports shall be required from the following:

(1) The department of labor and industrial relations, and the division of [job development and training] **workforce development** of the department of economic development, who shall assemble all available data and report on all business start-ups and business failures which are fifty-one percent or more owned by women. The reports shall distinguish, as best as possible, those businesses which are sole proprietorships, partnerships, or corporations;

(2) The department of economic development, who shall assemble all available data and report on financial assistance or other incentives given to all businesses which are fifty-one percent or more owned by women. The report shall contain information relating to assistance or incentives awarded for the retention of existing businesses, the expansion of existing businesses, or the start-up of new businesses;

(3) The department of revenue, who shall assemble all available data and report on the number, gross receipts and net income of all businesses which are fifty-one percent or more owned by women. The reports shall distinguish those businesses which are sole proprietorships, partnerships or corporations;

(4) The division of purchasing of the office of administration, who shall assemble all available data and report on businesses which are fifty-one percent or more owned by women which are recipients of contracts awarded by the state of Missouri.

2. Prior to December first of each year, starting in 1990, the information described in subdivisions (1) and (2) of this subsection shall be delivered in report form to the Missouri women's council, the governor's office, the secretary of the senate, and the chief clerk of the house of representatives. The information shall apply only to activities which occurred during the previous school year. Reports shall be required from the following:

(1) The department of elementary and secondary education shall assemble all available data from the Vocational and Education Data System (VEDS) on class enrollments by Instruction Program Codes (CIP); by secondary and postsecondary schools; and, secondary, postsecondary, and adult level classes; and by gender. This data shall also be reported by classes of traditional and nontraditional occupational areas.

(2) The coordinating board for higher education shall assemble all available data and report on higher education degrees awarded by academic discipline; type of degree; type of school; and gender. All available data shall also be reported on salaries received upon completion of degree program and subsequent hire, as well as any data available on follow-up salaries.

189.095. HOSPITALS WHICH QUALIFY FOR CERTAIN MO HEALTHNET FUNDS ARE INELIGIBLE TO RECEIVE CERTAIN PAYMENTS —HOSPITALS MAY ELECT TO REJECT, WHEN — MO HEALTHNET DIVISION TO USE FUNDS WHICH WOULD HAVE GONE TO HOSPITAL — DIVISION MAY ISSUE RULES AND REGULATIONS. — 1. Hospitals eligible for payments pursuant to the provisions of sections 189.015 to 189.050, which also qualify as hospitals serving a disproportionate number of low income patients pursuant to subdivision (1) of section 208.152 and regulations issued thereunder, shall, because of such qualification, become ineligible to receive payments under sections 189.015 to 189.050 during the period of such qualification.

2. Moneys which, but for the provisions of this section, would have been paid to hospitals made ineligible by the provisions of this section shall be paid over to the **MO HealthNet** division [of medical services] of the department of social services and used, upon appropriation, by the **MO HealthNet** division [of medical services] for payments to hospitals.

3. Notwithstanding the provisions of this section, any hospital determined to be ineligible for payments pursuant to the provisions of sections 189.015 to 189.050, solely because of its qualification pursuant to subdivision (1) of section 208.152, may elect to reject such qualification by July fifteenth of any year and accept its eligibility pursuant to sections 189.015 to 189.050.

4. The **MO HealthNet** division [of medical services] of the department of social services may issue rules and regulations necessary to carry out the provisions of this section.

191.737. CHILDREN EXPOSED TO SUBSTANCE ABUSE, REFERRAL BY PHYSICIAN TO DEPARTMENT OF HEALTH AND SENIOR SERVICES — SERVICES TO BE INITIATED WITHIN SEVENTY-TWO HOURS — PHYSICIAN MAKING REFERRAL IMMUNE FROM CIVIL LIABILITY — CONFIDENTIALITY OF REPORT. — 1. Notwithstanding the physician-patient privilege, any physician or health care provider may refer to the department of health and senior services families in which children may have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by:

(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or

(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child; and

(3) A written assessment made or approved by a physician, health care provider, or by the **children's** division [of family services] which documents the child as being at risk of abuse or neglect.

2. Nothing in this section shall preclude a physician or other mandated reporter from reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

3. Upon notification pursuant to subsection 1 of this section, the department of health and senior services shall offer service coordination services to the family. The department of health and senior services shall coordinate social services, health care, mental health services, and needed education and rehabilitation services. Service coordination services shall be initiated within seventy-two hours of notification. The department of health and senior services shall notify the department of social services and the department of mental health within seventy-two hours of initial notification.

4. Any physician or health care provider complying with the provisions of this section, in good faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.

5. Referral and associated documentation provided for in this section shall be confidential and shall not be used in any criminal prosecution.

192.601. TOLL-FREE TELEPHONE TO BE ESTABLISHED FOR INFORMATION ON HEALTH CARE PROVIDERS FOR CHILDREN ON MEDICAL ASSISTANCE. — The department of health and senior services shall establish a toll-free telephone number for the use of parents to access information about health care providers and practitioners who provide health care services under the maternal and child health block grant and the medical assistance program and about other relevant health care providers, as required by 42 U.S.C. 705(a)(5)(E). Unless otherwise prohibited by federal law or regulation, the cost of establishing and maintaining the cost of the toll-free telephone number, including the cost of personnel to operate or support it, shall be appropriated from the federal maternal and child health block grant. The **MO HealthNet** division [of medical services] of the department of social services shall provide the department of health and senior services with information it has otherwise compiled concerning health care providers who participate in the medical assistance program. The department of health and senior services shall coordinate the operation of the toll-free telephone numbers operated by the department so as to minimize duplication of administrative expense.

[660.050.] 192.1000. DIVISION OF AGING CREATED — DUTIES — INSPECTORS OF NURSING HOMES, TRAINING AND CONTINUING EDUCATION REQUIREMENTS — PROMULGATION OF RULES, PROCEDURE — DEMENTIA-SPECIFIC TRAINING REQUIREMENTS ESTABLISHED. — 1. The "Division of Aging" is hereby transferred from the department of social services to the department of health and senior services by a type I transfer as defined in the Omnibus State Reorganization Act of 1974. The [division] **department** shall aid and assist the elderly and low-income [handicapped] **disabled** adults living in the state of Missouri to secure and maintain maximum economic and personal independence and dignity. The [division] **department** shall regulate adult long-term care facilities pursuant to the laws of this state and rules and regulations of federal and state agencies, to safeguard the lives and rights of residents in these facilities.

2. In addition to its duties and responsibilities enumerated pursuant to other provisions of law, the [division] **department** shall:

(1) Serve as advocate for the elderly by promoting a comprehensive, coordinated service program through administration of Older Americans Act (OAA) programs (Title III) P.L. 89-73, (42 U.S.C. 3001, et seq.), as amended;

(2) Assure that an information and referral system is developed and operated for the elderly, including information on [the Missouri care options program] **home and community based services**;

(3) Provide technical assistance, planning and training to local area agencies on aging;

(4) Contract with the federal government to conduct surveys of long-term care facilities certified for participation in the Title XVIII program;

(5) [Serve as liaison between the department of health and senior services and the Federal Health Standards and Quality Bureau, as well as the Medicare and Medicaid portions of the United States Department of Health and Human Services;

(6) Conduct medical review (inspections of care) activities such as utilization reviews, independent professional reviews, and periodic medical reviews to determine medical and social needs for the purpose of eligibility for Title XIX, and for level of care determination;

[7)] (6) Certify long-term care facilities for participation in the Title XIX program;

[8)] (7) Conduct a survey and review of compliance with P.L. 96-566 Sec. 505(d) for Supplemental Security Income recipients in long-term care facilities and serve as the liaison between the Social Security Administration and the department of health and senior services concerning Supplemental Security Income beneficiaries;

[9)] (8) Review plans of proposed long-term care facilities before they are constructed to determine if they meet applicable state and federal construction standards;

[10)] (9) Provide consultation to long-term care facilities in all areas governed by state and federal regulations;

[(11)] **(10)** Serve as the central state agency with primary responsibility for the planning, coordination, development, and evaluation of policy, programs, and services for elderly persons in Missouri consistent with the provisions of subsection 1 of this section and serve as the designated state unit on aging, as defined in the Older Americans Act of 1965;

[(12)] With the advice of the governor's advisory council on aging,] **(11)** Develop long-range state plans for programs, services, and activities for elderly and handicapped persons. State plans should be revised annually and should be based on area agency on aging plans, statewide priorities, and state and federal requirements;

[(13)] **(12)** Receive and disburse all federal and state funds allocated to the division and solicit, accept, and administer grants, including federal grants, or gifts made to the division or to the state for the benefit of elderly persons in this state;

[(14)] **(13)** Serve, within government and in the state at large, as an advocate for elderly persons by holding hearings and conducting studies or investigations concerning matters affecting the health, safety, and welfare of elderly persons and by assisting elderly persons to assure their rights to apply for and receive services and to be given fair hearings when such services are denied;

[(15)] Provide information and technical assistance to the governor's advisory council on aging and keep the council continually informed of the activities of the division;

(16) After consultation with the governor's advisory council on aging, make recommendations for legislative action to the governor and to the general assembly;

[(17)] **(14)** Conduct research and other appropriate activities to determine the needs of elderly persons in this state, including, but not limited to, their needs for social and health services, and to determine what existing services and facilities, private and public, are available to elderly persons to meet those needs;

[(18)] **(15)** Maintain and serve as a clearinghouse for up-to-date information and technical assistance related to the needs and interests of elderly persons and persons with Alzheimer's disease or related dementias, including information on the [Missouri care options] **home and community based services** program, dementia-specific training materials and dementia-specific trainers. Such dementia-specific information and technical assistance shall be maintained and provided in consultation with agencies, organizations and/or institutions of higher learning with expertise in dementia care;

[(19)] **(16)** Provide area agencies on aging with assistance in applying for federal, state, and private grants and identifying new funding sources;

[(20)] **(17)** Determine area agencies on aging annual allocations for Title XX and Title III of the Older Americans Act expenditures;

[(21)] **(18)** Provide transportation services, home-delivered and congregate meals, in-home services, counseling and other services to the elderly and low-income handicapped adults as designated in the Social Services Block Grant Report, through contract with other agencies, and shall monitor such agencies to ensure that services contracted for are delivered and meet standards of quality set by the division;

[(22)] **(19)** Monitor the process pursuant to the federal Patient Self-determination Act, 42 U.S.C. 1396a (w), in long-term care facilities by which information is provided to patients concerning durable powers of attorney and living wills.

3. The [division director, subject to the supervision of the director of the department of health and senior services, shall be the chief administrative officer of the division and shall exercise for the division the powers and duties of an appointing authority pursuant to chapter 36 to employ such administrative, technical and other personnel as may be necessary for the performance of the duties and responsibilities of the division.

4. The division] **department** may withdraw designation of an area agency on aging only when it can be shown the federal or state laws or rules have not been complied with, state or federal funds are not being expended for the purposes for which they were intended, or the elderly are not receiving appropriate services within available resources, and after consultation

with the director of the area agency on aging and the area agency board. Withdrawal of any particular program of services may be appealed to the director of the department of health and senior services and the governor. In the event that the division withdraws the area agency on aging designation in accordance with the Older Americans Act, the [division] **department** shall administer the services to clients previously performed by the area agency on aging until a new area agency on aging is designated.

[5.] 4. Any person hired by the department of health and senior services after August 13, 1988, to conduct or supervise inspections, surveys or investigations pursuant to chapter 198 shall complete at least one hundred hours of basic orientation regarding the inspection process and applicable rules and statutes during the first six months of employment. Any such person shall annually, on the anniversary date of employment, present to the department evidence of having completed at least twenty hours of continuing education in at least two of the following categories: communication techniques, skills development, resident care, or policy update. The department of health and senior services shall by rule describe the curriculum and structure of such continuing education.

[6.] 5. The [division] **department** may issue and promulgate rules to enforce, implement and effectuate the powers and duties established in this section and sections 198.070 and 198.090 and sections [660.250 and 660.300 to 660.320] **192.1080 and 192.1102 to 192.1112**. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

[7. Missouri care options] 6. **Home and community based services** is a program, operated and coordinated by the [division of aging] **department of health and senior services**, which informs individuals of the variety of care options available to them when they may need long-term care.

[8.] 7. The division shall[, by January 1, 2002, establish] **maintain** minimum dementia-specific training requirements for employees involved in the delivery of care to persons with Alzheimer's disease or related dementias who are employed by skilled nursing facilities, intermediate care facilities, residential care facilities, agencies providing in-home care services authorized by the division of aging, adult day-care programs, independent contractors providing direct care to persons with Alzheimer's disease or related dementias and the division of aging. Such training shall be incorporated into new employee orientation and ongoing in-service curricula for all employees involved in the care of persons with dementia. The department of health and senior services shall[, by January 1, 2002, establish] **maintain** minimum dementia-specific training requirements for employees involved in the delivery of care to persons with Alzheimer's disease or related dementias who are employed by home health and hospice agencies licensed by chapter 197. Such training shall be incorporated into the home health and hospice agency's new employee orientation and ongoing in-service curricula for all employees involved in the care of persons with dementia. The dementia training need not require additional hours of orientation or ongoing in-service. Training shall include at a minimum, the following:

(1) For employees providing direct care to persons with Alzheimer's disease or related dementias, the training shall include an overview of Alzheimer's disease and related dementias, communicating with persons with dementia, behavior management, promoting independence in activities of daily living, and understanding and dealing with family issues;

(2) For other employees who do not provide direct care for, but may have daily contact with, persons with Alzheimer's disease or related dementias, the training shall include an overview of dementias and communicating with persons with dementia. As used in this subsection, the term "employee" includes persons hired as independent contractors. The training

requirements of this subsection shall not be construed as superceding any other laws or rules regarding dementia-specific training.

[660.053.] 192.1002. DEFINITIONS. — As used in [section 199.025 and sections 660.050 to 660.057 and 660.400 to 660.420] **sections 192.1000 to 192.1008 and 192.1040 to 192.1058**, the following terms mean:

(1) "Area agency on aging", the agency designated by the [division] **department** in a planning and service area to develop and administer a plan and administer available funds for a comprehensive and coordinated system of services for the elderly and persons with disabilities who require similar services;

(2) "Area agency board", the local policy-making board which directs the actions of the area agency on aging under state and federal laws and regulations;

(3) **"Department", the department of health and senior services;**

(4) "Director", the director of the [division of aging of the Missouri department of social] **department of health and senior services;**

[(4) "Division", the division of aging of the Missouri department of social services;]

(5) "Elderly" or "elderly persons", persons who are sixty years of age or older;

(6) "Disability", a mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(7) "Local government", a political subdivision of the state whose authority is general or a combination of units of general purpose local governments;

(8) "Major life activities", functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(9) "Medicaid", medical assistance provided under section 208.151, et seq., in compliance with Title XIX, Public Law 89-97, 1965 amendments to the Social Security Act (42 U.S.C. 301 et seq.), as amended;

(10) "Protective services", a service provided by the [Missouri division of aging] **department of health and senior services** in response to the need for protection from harm or neglect to eligible adults under sections [660.250 to 660.295] **192.1080 to 192.1100;**

(11) "Registered caregiver", a person who provides primary long-term care for an elderly person and wishes to receive information, services or support from the shared care program;

(12) "Shared care", a program administered by the [division of aging] **department of health and senior services** in which Missouri families who provide primary long-term care for an elderly person and register as a shared care member with the [division of aging] **department** shall receive access to certain supportive services and may receive a state tax credit;

(13) "Shared care community project", a project in a community that offers to help support shared care participation through development of programs;

(14) "Shared care member", a registered caregiver or shared care provider who registers with the [division of aging] **department** in order to participate in the shared care program;

(15) "Shared care provider", any state authorized long-term care provider in the state, including, but not limited to, in-home, home health, hospice, adult day care, residential care facility or assisted living facility, or nursing home, who voluntarily registers with the [division of aging] **department** to be available as a resource for the shared care program;

(16) "Shared care tax credit", a tax credit to registered caregivers who meet the requirements of section [660.055] **192.1006.**

[660.054.] 192.1004. SHARED CARE PROGRAM ESTABLISHED, GOALS — DEPARTMENT DUTIES. — 1. The [division of aging of the department of social] **department of health and senior services** shall establish a program to help families who provide the primary long-term care for an elderly person. This program shall be known as "shared care" and has the following goals:

- (1) To provide services and support for families caring for an elderly person;
 - (2) To increase awareness of the variety of privately funded services which may be available to those persons caring for an elderly person;
 - (3) To increase awareness of the variety of government services which may be available to those caring for an elderly person;
 - (4) Recognition on an annual basis by the governor for those families participating in the shared care program and community project groups participating in the shared care program;
 - (5) To provide a tax credit to members who meet the qualifications pursuant to section [660.055] **192.1006**; and
 - (6) To promote community involvement by:
 - (a) Providing local communities information about the shared care program and to encourage the establishment of support groups where none are available and to support existing support groups, and other programs for shared care members and providers to share ideas, information and resources on caring for an elderly person; and
 - (b) Encouraging local home care, adult day care or other long-term care providers, who have regularly scheduled training sessions for paid caregivers, to voluntarily invite shared care members to participate in education and training sessions at no cost to the registered caregivers. Such providers shall not be held liable in any civil or criminal action related to or arising out of the participation or training of shared care members in such sessions.
2. To further the goals of the shared care program, the director shall:
- (1) Promulgate specific rules and procedures for the shared care program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections [660.050 to 660.057] **192.1000 to 192.1008** shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void;
 - (2) Maintain a registry of names and addresses of shared care members and shared care providers;
 - (3) Compile a list, updated annually, of public and private resources, services and programs which may be available to assist and support the registered caregiver with caring for the elderly. Such list shall be given to shared care members along with information on shared care providers in their community. Private organizations and providers shall be responsible for providing information to the division of aging for inclusion on the list. The [division of aging] **department** shall establish reporting procedures for private organizations and publicly disseminate the division's guidelines statewide;
 - (4) Compile and distribute to shared care members information about the services and benefits of the shared care program and a bibliography of resources and materials with information helpful to such members. The bibliography will give members an overview of available information and is not required to be comprehensive;
 - (5) Encourage shared care providers, consumer groups, churches and other philanthropic organizations to help local communities develop local support systems where none are available and to support existing support groups for persons caring for elderly persons and make [division] **department** staff available, if possible;
 - (6) In conjunction with the director of revenue, develop a physician certification for shared care tax credit form to be given to registered caregivers upon request. The form shall require, but is not limited to:
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(a) Identifying information about the registered caregiver for tax purposes, and the signature of the registered caregiver certifying that he or she qualifies for the shared care tax credit as provided in section [660.055] **192.1006**;

(b) Identifying information about the elderly person receiving care for verification purposes;

(c) Identifying information about and the signature of the physician licensed pursuant to the provisions of chapter 334 for verification and certification purposes;

(d) A description by such physician of the physical or mental condition of the elderly person that makes them incapable of living alone and lists the care, assistance with daily living and oversight needed at home in order to prevent placement in a facility licensed pursuant to chapter 198; and

(e) A complete explanation of the shared care tax credit and its guidelines and directions on completion of the form and how to file for the shared care tax credit with the department of revenue; and

(7) In conjunction with the director of revenue, develop a [division of aging] **department** certification for shared care tax credit form to be given at the request of the registered caregivers when a [division of aging] **department** assessment has been completed for other purposes. The form shall require, but is not limited to:

(a) Identifying information about the registered caregiver for tax purposes, and the signature of the registered caregiver certifying that he or she qualifies for the shared care tax credit as provided in section [660.055] **192.1006**;

(b) Identifying information about the elderly person receiving care for verification purposes;

(c) Identifying information about and the signature of the [division of aging] **department** staff for verification and certification purposes;

(d) A description by the [division of aging] **department** staff of the physical or mental condition of the elderly person that makes them incapable of living alone and lists the care, assistance with daily living and oversight needed at home in order to prevent placement in a facility licensed pursuant to chapter 198; and

(e) A complete explanation of the shared care tax credit and its guidelines and directions for completing the form and how to file for the shared care tax credit with the department of revenue.

3. Funds appropriated for the shared care program shall be appropriated to and administered by the department of [social] **health and senior** services.

[660.055.] 192.1006. SHARED CARE TAX CREDIT AVAILABLE, WHEN — ELIGIBILITY REQUIREMENTS — RULEMAKING AUTHORITY — PENALTY PROVISION. — 1. Any registered caregiver who meets the requirements of this section shall be eligible for a shared care tax credit in an amount not to exceed five hundred dollars to defray the cost of caring for an elderly person. In order to be eligible for a shared care tax credit, a registered caregiver shall:

(1) Care for an elderly person, age sixty or older, who:

(a) Is physically or mentally incapable of living alone, as determined and certified by his or her physician licensed pursuant to chapter 334, or by the [division of aging] **department** staff when an assessment has been completed for the purpose of qualification for other services; and

(b) Requires assistance with activities of daily living to the extent that without care and oversight at home would require placement in a facility licensed pursuant to chapter 198; and

(c) Under no circumstances, is able or allowed to operate a motor vehicle; and

(d) Does not receive funding or services through Medicaid or social services block grant funding;

(2) Live in the same residence to give protective oversight for the elderly person meeting the requirements described in subdivision (1) of this subsection for an aggregate of more than six months per tax year;

(3) Not receive monetary compensation for providing care for the elderly person meeting the requirements described in subdivision (1) of this subsection; and

(4) File the original completed and signed physician certification for shared care tax credit form or the original completed and signed [division of aging] **department** certification for shared care tax credit form provided for in subsection 2 of section [660.054] **192.1004** along with such caregiver's Missouri individual income tax return to the department of revenue.

2. The tax credit allowed by this section shall apply to any year beginning after December 31, 1999.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections [660.050 to 660.057] **192.1000 to 192.1008** shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

4. Any person who knowingly falsifies any document required for the shared care tax credit shall be subject to the same penalties for falsifying other tax documents as provided in chapter 143.

[660.057.] 192.1008. AREA AGENCIES FOR AGING DUTIES — ADVISORY COUNCIL, DUTIES — AGENCY RECORDS AUDITED, WHEN. — 1. On and after August 13, 1984, an area agency on aging shall operate with local administrative responsibility for Title III of the Older Americans Act, and other funds allocated to it by the [division] **department**. The area agency board shall be responsible for all actions of an area agency on aging in its jurisdiction, including, but not limited to, the accountability for funds and compliance with federal and state laws and rules. Such responsibility shall include all geographic areas in which the area agency on aging is designated to operate. The respective area agency board shall appoint a director of the area agency on aging in its jurisdiction. Beginning January 1, 1995, the director of the area agency on aging shall submit an annual performance report to the [division] **department** director, the speaker of the house of representatives, the president pro tempore of the senate and the governor. Such performance report shall give a detailed accounting of all funds which were available to and expended by the area agency on aging from state, federal and private sources.

2. Each area agency on aging shall have an area agency on aging advisory council, which shall:

(1) Recommend basic policy guidelines for the administration of the activities of the area agencies on aging on behalf of elderly persons and advise the area agency on aging on questions of policy;

(2) Advise the area agency on aging with respect to the development of the area plan and budget, and review and comment on the completed area plan and budget before its transmittal to the division;

(3) Review and evaluate the effectiveness of the area agency on aging in meeting the needs of elderly persons in the planning and service area;

(4) Meet at least quarterly, with all meetings being subject to sections 610.010 to 610.030.

3. Each area agency board shall:

(1) Conduct local planning functions for Title III and Title XX, and such other funds as may be available;

(2) Develop a local plan for service delivery, subject to review and approval by the division, that complies with federal and state requirements and in accord with locally determined objectives consistent with the state policy on aging;

(3) Assess the needs of elderly persons within the planning and service delivery area for service for social and health services, and determine what resources are currently available to meet those needs;

(4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure that such services are provided within the resources available, and determine when such services are no longer needed;

(5) Endeavor to coordinate and expand existing resources in order to develop within its planning and service area a comprehensive and coordinated system for the delivery of social and health services to elderly persons;

(6) Serve as an advocate within government and within the community at large for the interests of elderly persons within its planning and service area;

(7) Make grants to or enter into contracts with any public or private agency for the provision of social or health services not otherwise sufficiently available to elderly persons within the planning and service area;

(8) Monitor and evaluate the activities of its service providers to ensure that the services being provided comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its grant or contract, the area agency shall enforce the terms of the grant or contract;

(9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the goal of improving the quality of life for elderly persons within its planning and service area;

(10) Comply with division requirements that have been developed in consultation with the area agencies for client and fiscal information, and provide to the division information necessary for federal and state reporting, program evaluation, program management, fiscal control and research needs.

4. Beginning January 1, 1995, the records of each area agency on aging shall be audited at least every other year. All audits required by the Older Americans Act of 1965, as amended, shall satisfy this requirement.

[660.058.] 192.1010. BUDGET ALLOTMENT TABLES PROVIDED TO EACH AREA AGENCY ON AGING, WHEN — AREA PLAN SUBMITTED, WHEN — ON-SITE MONITORING BY DIVISION.

— 1. The [division of aging] **department** shall provide budget allotment tables to each area agency on aging by January first of each year. Each area agency on aging shall submit its area plan, area budget and service contracts to the [division of aging] **department** by March first of each year. Each April, the area agencies on aging shall present their plans to the [division of aging] **department** in a public hearing scheduled by the [division] **department** and held in the area served by the area agency on aging. Within thirty days of such hearing, the [division] **department** shall report findings and recommendations to the board of directors for the area agency on aging, the area agency on aging advisory council, the members of the senate budget committee and the members of the house appropriations committee [for social services and corrections] **assigned the department of health and senior services**.

2. Each area agency on aging shall include in its area plan performance measures and outcomes to be achieved for each year covered by the plan. Such measures and outcomes shall also be presented to the [division] **department** during the public hearing.

3. The [division of aging] **department** shall conduct on-site monitoring of each area agency on aging at least once a year. The [division of aging] **department** shall send all monitoring reports to the area agency on aging advisory council and the board of directors for the area agency which is the subject of the reports.

[660.062.] 192.1012. STATE BOARD OF SENIOR SERVICES CREATED, MEMBERS, TERMS, DUTIES.

— 1. There is hereby created a "State Board of Senior Services" which shall consist of seven members, who shall be appointed by the governor, by and with the advice and consent of

the senate. No member of the state board of senior services shall hold any other office or employment under the state of Missouri other than in a consulting status relevant to the member's professional status, licensure or designation. Not more than four of the members of the state board of senior services shall be from the same political party.

2. Each member shall be appointed for a term of four years; except that of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, two for a term of three years and one for a term of four years. The successors of each shall be appointed for full terms of four years. No person may serve on the state board of senior services for more than two terms. The terms of all members shall continue until their successors have been duly appointed and qualified. One of the persons appointed to the state board of senior services shall be a person currently working in the field of gerontology. One of the persons appointed to the state board of senior services shall be a physician with expertise in geriatrics. One of the persons appointed to the state board of senior services shall be a person with expertise in nutrition. One of the persons appointed to the state board of senior services shall be a person with expertise in rehabilitation services of persons with disabilities. One of the persons appointed to the state board of senior services shall be a person with expertise in mental health issues. In making the two remaining appointments, the governor shall give consideration to individuals having a special interest in gerontology or disability-related issues, including senior citizens. Four of the seven members appointed to the state board of senior services shall be members of the governor's advisory council on aging. If a vacancy occurs in the appointed membership, the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The members shall receive actual and necessary expenses plus twenty-five dollars per day for each day of actual attendance.

3. The board shall elect from among its membership a chairman and a vice chairman, who shall act as chairman in his or her absence. The board shall meet at the call of the chairman. The chairman may call meetings at such times as he or she deems advisable, and shall call a meeting when requested to do so by three or more members of the board.

4. The state board of senior services shall advise the department of health and senior services in the:

- (1) Promulgation of rules and regulations by the department of health and senior services;
- (2) Formulation of the budget for the department of health and senior services; and
- (3) Planning for and operation of the department of health and senior services.

[660.067.] 192.1020. ALZHEIMER'S DISEASE AND RELATED DISORDERS RESPITE CARE PROGRAM—DEFINITIONS. — As used in sections [660.067 to 660.070] **192.1020 to 192.1024**, the following terms shall mean:

(1) "Adult day care", a group program that emphasizes appropriate services for persons eighteen years of age or older having Alzheimer's disease and related disorders and that provides services for periods of less than twenty-four hours but more than two hours per day in a place other than the adult's home;

(2) "Alzheimer's disease and related disorders", diseases resulting from significant destruction of brain tissue and characterized by a decline of memory and other intellectual functions. These diseases include but are not limited to progressive, degenerative and dementing illnesses such as presenile and senile dementias, Alzheimer's disease and other related disorders;

(3) "Appropriate services", services that emphasize surveillance, safety, behavior management and other techniques used to assist persons having Alzheimer's disease and related disorders;

(4) "**Department**", the department of health and senior services;

(5) "**Director**", the director of the [division of aging of the department of social] **department of health and senior services**;

[5) "**Division**", the division of aging of the department of social services;]

(6) "In-home companion", someone trained to provide appropriate services to persons having Alzheimer's disease and related disorders and who provides those services in the home;

(7) "Respite care", a program that provides temporary and short-term residential care, sustenance, supervision and other appropriate services for persons having Alzheimer's disease and related disorders who otherwise reside in their own or in a family home.

[660.069.] 192.1022. RESPITE CARE PROGRAM FOR ALZHEIMER'S PURPOSES. — 1. To encourage development of appropriate services for persons having Alzheimer's disease and related disorders, the [division] **department** may make grants to public and private entities for pilot projects from funds specifically appropriated for this purpose. Pilot projects shall have the following goals:

(1) To prevent or postpone institutionalization of persons having Alzheimer's disease and related disorders who currently live in their own home or in a family home;

(2) To offer services that emphasize safety, surveillance and behavior management rather than, or in addition to, medical treatment, homemaker, chore or personal care services;

(3) To temporarily relieve family members or others who have assumed direct care responsibilities by offering services that allow care givers to leave the home. These services shall include but not be limited to adult day care, in-home companions and respite care;

(4) To test the practical and economic feasibility of providing services in settings and at levels designed for varying needs; and

(5) To develop program models that can be adapted and operated by other public and private entities.

2. The director, in accordance with chapter 536, shall promulgate rules that establish procedures for grant application, review, selection, monitoring and auditing of grants made pursuant to sections [660.067 to 660.070] **192.1020 to 192.1024**.

3. The grants shall be limited to a duration of one year but may be renewable for one additional year at the director's discretion and if funds are appropriated for this purpose.

[660.070.] 192.1024. RULES AND REGULATIONS FOR RESPITE CARE PROGRAM, PROCEDURE. — The commissioner of administration, in consultation with the director of the [division of aging] **department**, shall promulgate rules that establish procedures for contracting with grantees receiving funds under sections [660.067 to 660.070] **192.1020 to 192.1024**. No rule or portion of a rule promulgated under the authority of sections [660.067 to 660.070] **192.1020 to 192.1024** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

[660.225.] 192.1030. DEPARTMENT TO USE SERVICES OF CERTAIN ORGANIZATIONS, WHEN. — The [division of aging] **department** shall use the services of community based, not-for-profit organizations including senior centers for the provision of home delivered meals to qualified recipients prepared by such organizations if such service is available at not more than seventy-five percent of the cost currently incurred by the [division] **department** for the provision of such service.

[660.400.] 192.1040. DEFINITIONS. — As used in sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**, unless the context clearly indicates otherwise, the following terms mean:

(1) "Adult", an individual over the age of eighteen;

(2) "Adult day care program", a group program designed to provide care and supervision to meet the needs of functionally impaired adults for periods of less than twenty-four hours but more than two hours per day in a place other than the adult's own home;

(3) "Adult day care provider", the person, corporation, partnership, association or organization legally responsible for the overall operation of the adult day care program;

- (4) "Department", the department of [social] **health and senior services**;
- (5) "Director", the director of the [division of aging] **department of health and senior services**;
- (6) ["Division", the division of aging;
- (7)] "Functionally impaired adult", an adult who by reason of age or infirmity requires care and supervision;
- [(8)] (7) "License", the document issued by the [division] **department** in accordance with the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** to an adult day care program which authorizes the adult day care provider to operate the program in accordance with the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** and the applicable rules promulgated pursuant thereto;
- [(9)] (8) "Participant", a functionally impaired adult who is enrolled in an adult day care program;
- [(10)] (9) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;
- [(11)] (10) "Provisional license", the document issued by the [division] **department** in accordance with the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** to an adult day care provider which is not currently meeting the requirements necessary to obtain a license;
- [(12)] (11) "Related", any of the following by blood, marriage or adoption: parent, child, grandchild, brother, sister, half-brother, half-sister, stepparent, uncle, aunt, niece, nephew, or first cousin;
- [(13)] (12) "Staff participant ratio", the number of adult care staff required by the [division] **department** in relation to the number of adults being cared for by such staff.

[660.403.] 192.1042. LICENSE REQUIRED TO OPERATE DAY CARE PROGRAM — FORMS — LICENSE VALIDITY PERIOD — TEMPORARY OPERATING PERMIT, WHEN. — 1. It shall be unlawful for any person to establish, maintain, or operate an adult day care program, or to advertise or hold himself **or herself** out as being able to perform any adult day care service, unless he **or she** has obtained the proper license.

2. All applications for licenses shall be made on forms provided by the [division] **department** and in the manner prescribed by the [division] **department**. All forms provided shall include a fee schedule.

3. The [division] **department** shall conduct an investigation of the adult day care program, and the applicant, for which a license is sought in order to determine if such program is complying with the following:

- (1) Local fire safety requirements or fire safety requirements of the [division] **department** if there are no local codes;
- (2) Local or state sanitation requirements;
- (3) Local building and zoning requirements, where applicable;
- (4) Staff/adult ratios required by the [division] **department**; and
- (5) Other applicable provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** and all applicable rules promulgated pursuant thereto, including but not limited to:
- (a) The applicant's ability to render adult day care;
- (b) The proposed plan for providing adult day care;
- (c) The proposed plan of operation of the adult day care program, so that, in the judgment of the [division] **department**, minimum standards are being met to insure the health and safety of the participants.

4. Following completion of its investigation made pursuant to subsection 3 of this section and a finding that the applicant for a license has complied with all applicable rules promulgated pursuant to sections [199.025 and 660.403 to 660.420] the division] **192.1040 to 192.1058, the**

department shall issue a license to such applicant. Such license shall be valid for the period designated by the [division] **department**, which period shall not exceed two years from the date of issuance, for the premises and persons named in the application.

5. Each license issued under sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** shall include the name of the provider, owner and operator; the name of the adult day care program; the location of the adult day care program; the hours of operations; the number and any limitations or the type of participants who may be served; and the period for which such license is valid.

6. The [division] **department** may issue a provisional license to an adult day care program that is not currently meeting requirements for a license but which demonstrates the potential capacity to meet full requirements for license; except that, no provisional license shall be issued unless the director is satisfied that the operation of the adult day care program is not detrimental to the health and safety of the participants being served. The provisional license shall be nonrenewable and shall be valid for the period designated by the [division] **department**, which period shall not exceed six months from the date of issuance. Upon issuance of a regular license, a day care program's provisional license shall immediately be null and void.

[660.405.] 192.1044. EXCEPTIONS TO LICENSURE REQUIREMENTS FOR ADULT DAY CARE CENTERS. — 1. The provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** shall not apply to the following:

(1) Any adult day care program operated by a person in which care is offered for no more than two hours per day;

(2) Any adult day care program maintained or operated by the federal government except where care is provided through a management contract;

(3) Any person who cares solely for persons related to the provider or who has been designated as guardian of that person;

(4) Any adult day care program which cares for no more than four persons unrelated to the provider;

(5) Any adult day care program licensed by the department of mental health under chapter 630 which provides care, treatment and habilitation exclusively to adults who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability as defined;

(6) Any adult day care program administered or maintained by a religious not-for-profit organization serving a social or religious function if the adult day care program does not hold itself out as providing the prescription or usage of physical or medical therapeutic activities or as providing or administering medicines or drugs.

2. Nothing in this section shall prohibit any person listed in subsection 1 of this section from applying for a license or receiving a license if the adult day care program owned or operated by such person conforms to the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** and all applicable rules promulgated pursuant thereto.

[660.407.] 192.1046. RIGHT TO ENTER PREMISES FOR COMPLIANCE INSPECTIONS OR TO INVESTIGATE COMPLAINTS — FAILURE TO PERMIT, EFFECT. — 1. The director, or [his] **the director's** authorized representative, shall have the right to enter the premises of an applicant for or holder of a license at any time during the hours of operation of a center to determine compliance with provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** and applicable rules promulgated pursuant thereto. Entry shall also be granted for investigative purposes involving complaints regarding the operations of an adult day care program. The [division] **department** shall make at least two inspections per year, at least one of which shall be unannounced to the operator or provider. The [division] **department** may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**.

2. The applicant for or holder of a license shall cooperate with the investigation and inspection by providing access to the adult day care program, records and staff, and by providing access to the adult day care program to determine compliance with the rules promulgated pursuant to sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**.

3. Failure to comply with any lawful request of the [division] **department** in connection with the investigation and inspection is a ground for refusal to issue a license or for the suspension or revocation of a license.

4. The [division] **department** may designate to act for it, with full authority of law, any instrumentality of any political subdivision of the state of Missouri deemed by the [division] **department** to be competent to investigate and inspect applicants for or holders of licenses.

[660.409.] 192.1048. FEE FOR LICENSE OR RENEWAL, LIMITATION. — Each application for a license, or the renewal thereof, issued pursuant to sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** shall be accompanied by a nonrefundable fee in the amount required by the [division] **department**. The fee, to be determined by the director [of the division], shall not exceed one hundred dollars and shall be based on the licensed capacity of the applicant.

[660.411.] 192.1050. ADULT DAYCARE PROGRAM MANUAL — REGIONAL TRAINING SESSIONS. — The [division] **department** shall offer technical assistance or consultation to assist applicants for or holders of licenses or provisional licenses in meeting the requirements of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**, staff qualifications, and other aspects involving the operation of an adult day care program, and to assist in the achievement of programs of excellence related to the provision of adult day care.

[660.414.] 192.1052. INSPECTIONS, WHEN — REFUSAL TO PERMIT ACCESS, COURT ORDER ISSUED WHEN — INJUNCTION AUTHORIZED. — 1. Whenever the [division] **department** is advised or has reason to believe that any person is operating an adult day care program without a license, or provisional license, or that any holder of license, or provisional license is not in compliance with the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**, the [division] **department** shall make an investigation and inspection to ascertain the facts. If the [division] **department** is not permitted access to the adult day care program in question, the [division] **department** may apply to the circuit court of the county in which the program is located for an order authorizing entry for inspection. The court shall issue the order if it finds reasonable grounds necessitating the inspection.

2. If the [division] **department** finds that the adult day care program is being operated in violation of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**, it may seek, among other remedies, injunctive relief against the adult day care program.

[660.416.] 192.1054. LICENSE DENIED — SUSPENDED — REVOKED — HEARING PROCEDURE — APPEALS. — 1. Any person aggrieved by an official action of the [division] **department** either refusing to issue a license or revoking or suspending a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, et seq.; except that, the petition must be filed with the administrative hearing commission within thirty days after the mailing or delivery of notice to the applicant for or holder of such license or certificate. When the notification of the official action is mailed to the applicant for or holder of such a license, there shall be included in the notice a statement of the procedure whereby the applicant for or holder of such license may appeal the decision of the [division] **department** before the administrative hearing commission. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing or exhaust any other procedure within the [division] **department**.

2. The administrative hearing commission may stay the revocation or suspension of such certificate or license, pending the commission's findings and determination in the cause, upon such conditions as the commission deems necessary and appropriate including the posting of bond or other security; except that, the commission shall not grant a stay or if a stay has already been entered shall set aside its stay, if, upon application of the [division] **department**, the commission finds reason to believe that continued operation of the facility to which the certificate or license in question applies pending the commission's final determination would present an imminent danger to the health, safety or welfare of any person or a substantial probability that death or serious physical harm would result. In any case in which the [division] **department** has refused to issue a certificate or license, the commission shall have no authority to stay or to require the issuance of a license pending final determination by the commission.

3. The administrative hearing commission shall make the final decision as to the issuance, suspension, or revocation of a license. Any person aggrieved by a final decision of the administrative hearing commission, including the [division] **department**, may seek judicial review of such decision by filing a petition for review in the court of appeals for the district in which the adult day care program to which the license in question applies is located. Review shall be had in accordance with the provisions of sections 161.337 and 161.338.

[660.418.] 192.1056. RULES, AUTHORITY, PROCEDURE. — The director of the [division] **department** shall have the authority to promulgate rules pursuant to this section and chapter 536 in order to carry out the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**. No rule or portion of a rule promulgated under the authority of section [199.025 and sections 660.403 to 660.420] **192.1040 to 192.1058** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

[660.420.] 192.1058. VIOLATIONS, PENALTIES. — 1. Any person who violates any provision of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**, or who, for himself or for any other person, makes materially false statements in order to obtain a certificate or license, or the renewal thereof, issued pursuant to sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058**, shall be guilty of a class A misdemeanor.

2. Any person who is convicted pursuant to this section shall, in addition to all other penalties provided by law, have any license issued to him or her under sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** revoked, and shall not operate, nor hold any license to operate, any adult day care program, or other entity governed by the provisions of sections [199.025 and 660.403 to 660.420] **192.1040 to 192.1058** for a period of three years after such conviction.

[660.600.] 192.1060. DEFINITIONS. — As used in sections [660.600 to 660.608] **192.1060 to 192.1066**, the following terms mean:

- (1) ["Division", the division of aging of the department of social services] **"Department", the department of health and senior services;**
- (2) "Long-term care facility", any facility licensed pursuant to chapter 198 and long-term care facilities connected with hospitals licensed pursuant to chapter 197;
- (3) "Office", the office of the state ombudsman for long-term care facility residents;
- (4) "Ombudsman", the state ombudsman for long-term care facility residents;
- (5) "Regional ombudsman coordinators", designated individuals working for, or under contract with, the area agencies on aging, and who are so designated by the area agency on aging and certified by the ombudsman as meeting the qualifications established by the [division] **department;**
- (6) "Resident", any person who is receiving care or treatment in a long-term care facility.

[660.603.] 192.1062. OFFICE OF STATE OMBUDSMAN FOR LONG-TERM CARE FACILITY RESIDENTS CREATED IN DEPARTMENT OF HEALTH AND SENIOR SERVICES — PURPOSE —

POWERS AND DUTIES. — 1. There is hereby established within the department of health and senior services the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his or her entire time to the duties of his or her position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The department shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services in the state and shall recommend to the department changes in such laws, regulations and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

8. The office shall develop and establish by regulation of the department statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

9. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers;

and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

10. The regional ombudsman coordinators and ombudsman volunteers shall have the authority to report instances of abuse and neglect to the ombudsman hotline operated by the department.

11. If the regional ombudsman coordinator or volunteer finds that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the state ombudsman shall be notified. The department shall establish procedures by rule in accordance with chapter 536 for implementation of this subsection.

12. The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

13. The administrator of each facility shall ensure that such written notice is given to every resident or the resident's guardian upon admission to the facility and to every person already in residence, or to his **or her** guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth in the regulations adopted by the department.

14. The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

[660.605.] 192.1064. CONFIDENTIALITY OF OMBUDSMAN'S FILES AND RECORDS, EXCEPTIONS, VIOLATIONS, PENALTY. — 1. Any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(1) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(2) Such disclosure is required by court order.

2. Any representative of the office conducting or participating in any examination of a complaint who shall knowingly and willfully disclose to any person other than the office, or those authorized by the office to receive it, the name of any witness examined or any information obtained or given upon such examination, shall be guilty of a class A misdemeanor. However, the ombudsman conducting or participating in any examination of a complaint shall disclose the final result of the examination to the facility with the consent of the resident.

3. Any statement or communication made by the office relevant to a complaint received by, proceedings before or activities of the office and any complaint or information made or provided in good faith by any person, shall be absolutely privileged and such person shall be immune from suit.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections [660.600 to 660.608] **192.1060 to 192.1066**, or where otherwise required by court order.

[660.608.] 192.1066. IMMUNITY FROM LIABILITY FOR OFFICIAL DUTIES FOR STAFF AND VOLUNTEERS—INFORMATION FURNISHED OFFICE, NO REPRISALS AGAINST EMPLOYEES OF FACILITIES OR RESIDENTS, VIOLATIONS, PENALTY. — 1. Any regional coordinator or local program staff, whether an employee or an unpaid volunteer, shall be treated as a representative of the office. No representative of the office shall be held liable for good faith performance of his **or her** official duties under the provisions of sections [660.600 to 660.608] **192.1060 to 192.1066** and shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered a state employee under section 105.711.

2. No reprisal or retaliatory action shall be taken against any resident or employee of a long-term care facility for any communication made or information given to the office. Any person who knowingly or willfully violates the provisions of this subsection shall be guilty of a class A misdemeanor. Any person who serves or served on a quality assessment and assurance committee required under 42 U.S.C. sec. 1396r(b)(1)(B) and 42 CFR sec. 483.75(r), or as amended, shall be immune from civil liability only for acts done directly as a member of such committee so long as the acts are performed in good faith, without malice and are required by the activities of such committee as defined in 42 CFR sec. 483.75(r).

[660.250.] 192.1080. DEFINITIONS. — As used in sections [660.250 to 660.321] **192.1080 to 192.1114**, the following terms mean:

(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation;

- (2) "Court", the circuit court;
- (3) "Department", the department of health and senior services;
- (4) "Director", director of the department of health and senior services or his or her designees;
- (5) "Eligible adult", a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section [660.053] **192.1002**, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs;
- (6) "Home health agency", the same meaning as such term is defined in section 197.400;
- (7) "Home health agency employee", a person employed by a home health agency;
- (8) "Home health patient", an eligible adult who is receiving services through any home health agency;
- (9) "In-home services client", an eligible adult who is receiving services in his or her private residence through any in-home services provider agency;
- (10) "In-home services employee", a person employed by an in-home services provider agency;
- (11) "In-home services provider agency", a business entity under contract with the department or with a Medicaid participation agreement, which employs persons to deliver any kind of services provided for eligible adults in their private homes;
- (12) "Least restrictive environment", a physical setting where protective services for the eligible adult and accommodation is provided in a manner no more restrictive of an individual's personal liberty and no more intrusive than necessary to achieve care and treatment objectives;
- (13) "Likelihood of serious physical harm", one or more of the following:
 - (a) A substantial risk that physical harm to an eligible adult will occur because of his or her failure or inability to provide for his or her essential human needs as evidenced by acts or behavior which has caused such harm or which gives another person probable cause to believe that the eligible adult will sustain such harm;
 - (b) A substantial risk that physical harm will be inflicted by an eligible adult upon himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused such harm or which places another person in reasonable fear that the eligible adult will sustain such harm;
 - (c) A substantial risk that physical harm will be inflicted by another upon an eligible adult as evidenced by recent acts or behavior which has caused such harm or which gives another person probable cause to believe the eligible adult will sustain such harm;
 - (d) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of his or her financial resources by another person;
- (14) "Neglect", the failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result;
- (15) "Protective services", services provided by the state or other governmental or private organizations or individuals which are necessary for the eligible adult to meet his or her essential human needs.

[660.255.] 192.1082. REPORTS, CONTENTS — DEPARTMENT TO MAINTAIN TELEPHONE FOR REPORTING. — 1. Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and is in need of protective services shall report such information to the department.

2. The report shall be made orally or in writing. It shall include, if known:

- (1) The name, age, and address of the eligible adult;

- (2) The name and address of any person responsible for the eligible adult's care;
 - (3) The nature and extent of the eligible adult's condition; and
 - (4) Other relevant information.
3. Reports regarding persons determined not to be eligible adults as defined in section [660.250] **192.1080** shall be referred to the appropriate state or local authorities.
4. The department shall maintain a statewide toll free phone number for receipt of reports.

[660.260.] 192.1084. INVESTIGATIONS OF REPORTS OF ELIGIBLE ADULTS, DEPARTMENT PROCEDURES. — Upon receipt of a report, the department shall make a prompt and thorough investigation to determine whether or not an eligible adult is facing a likelihood of serious physical harm and is in need of protective services. The department shall provide for any of the following:

- (1) Identification of the eligible adult and determination that the eligible adult is eligible for services;
- (2) Evaluation and diagnosis of the needs of eligible adults;
- (3) Provision of social casework, counseling or referral to the appropriate local or state authority;
- (4) Assistance in locating and receiving alternative living arrangements as necessary;
- (5) Assistance in locating and receiving necessary protective services; or
- (6) The coordination and cooperation with other state agencies and public and private agencies in exchange of information and the avoidance of duplication of services.

[660.261.] 192.1086. INVESTIGATIONS OF REPORTS OF ELIGIBLE ADULTS BETWEEN EIGHTEEN AND FIFTY-NINE, DEPARTMENT PROCEDURES. — Upon receipt of a report that an eligible adult between the ages of eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall:

- (1) Investigate or refer the report to appropriate law enforcement or state agencies; and
- (2) Provide services or refer to local community or state agencies.

[660.263.] 192.1088. RECORDS, WHAT CONFIDENTIAL, WHAT SUBJECT TO DISCLOSURE — PROCEDURE — CENTRAL REGISTRY TO RECEIVE COMPLAINTS OF ABUSE AND NEGLECT.

— 1. Reports made pursuant to sections [660.250 to 660.295] **192.1080 to 192.1100** shall be confidential and shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610.

2. Such reports shall be accessible for examination and copying only to the following persons or offices, or to their designees:

- (1) The department or any person or agency designated by the department;
- (2) The attorney general;
- (3) The department of mental health for persons referred to that department;
- (4) Any appropriate law enforcement agency; and
- (5) The eligible adult or [his] **such adult's** legal guardian.

3. The name of the reporter shall not be disclosed unless:

- (1) Such reporter specifically authorizes disclosure of his **or her** name; and
- (2) The department determines that disclosure of the name of the reporter is necessary in order to prevent further harm to an eligible adult.

4. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections [660.250 to 660.295] **192.1080 to 192.1100**, shall be guilty of a class A misdemeanor.

5. The department shall maintain a central registry capable of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall

electronically record any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording.

6. Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.

[660.265.] 192.1090. ASSISTANCE TO BE GIVEN. — When an eligible adult gives consent to receive protective services, the department shall assist the adult in locating and arranging for necessary services in the least restrictive environment reasonably available.

[660.270.] 192.1092. PROCEDURE WHEN ABUSE, NEGLECT, OR PHYSICAL HARM MAY BE INVOLVED — REMEDIES. — When the department receives a report that there has been abuse or neglect, or that there otherwise is a likelihood of serious physical harm to an eligible adult and that he or she is in need of protective services and the department is unable to conduct an investigation because access to the eligible adult is barred by any person, the director may petition the appropriate court for a warrant or other order to enter upon the described premises and investigate the report or to produce the information. The application for the warrant or order shall identify the eligible adult and the facts and circumstances which require the issuance of the warrant or order. The director may also seek an order to enjoin the person from barring access to an eligible adult or from interfering with the investigation. If the court finds that, based on the report and relevant circumstances and facts, probable cause exists showing that the eligible adult faces abuse or neglect, or otherwise faces a likelihood of serious physical harm and is in need of protective services and the director has been prevented by another person from investigating the report, the court may issue the warrant or enjoin the interference with the investigation or both.

[660.275.] 192.1094. INTERFERENCE WITH DELIVERY OF SERVICES, EFFECT — REMEDY. — If an eligible adult gives consent to receive protective services and any other person interferes with or prevents the delivery of such services, the director may petition the appropriate court for an order to enjoin the interference with the delivery of the services. The petition shall allege the consent of the eligible adult and shall allege specific facts sufficient to show that the eligible adult faces a likelihood of serious physical harm and is in need of the protective services and that delivery is barred by the person named in the petition. If the court finds upon a preponderance of evidence that the allegations in the petition are true, the court may issue an order enjoining the interference with the delivery of the protective services and may establish such conditions and restrictions on the delivery as the court deems necessary and proper under the circumstances.

[660.280.] 192.1096. RECIPIENT UNABLE TO GIVE CONSENT, PROCEDURE, REMEDY. — When an eligible adult facing the likelihood of serious physical harm and in need of protective services is unable to give consent because of incapacity or legal disability and the guardian of the eligible adult refuses to provide the necessary services or allow the provision of such services, the director shall inform the court having supervisory jurisdiction over the guardian of the facts showing that the eligible adult faces the likelihood of serious physical harm and is in need of protective services and that the guardian refuses to provide the necessary services or allow the provision of such services under the provisions of sections [660.250 to 660.295] **192.1080 to 192.1100.** Upon receipt of such information, the court may take such action as it deems necessary and proper to insure that the eligible adult is able to meet his **or her** essential human needs.

[660.285.] 192.1097. DIRECTOR MAY PROCEED UNDER OTHER LAW, WHEN — LEGAL COUNSEL MAY BE RETAINED, WHEN. — 1. If the director determines after an investigation that

an eligible adult is unable to give consent to receive protective services and presents a likelihood of serious physical harm, the director may initiate proceedings pursuant to chapter 202 or chapter 475, if appropriate.

2. In order to expedite adult guardianship and conservatorship cases, the department may retain, within existing funding sources of the department, legal counsel on a case-by-case basis.

[660.290.] 192.1098. PEACE OFFICER MAY ACT, WHEN, HOW — INVOLUNTARY TREATMENT MAY BE ORDERED, HOW, WHERE RENDERED — RELIGIOUS BELIEFS TO BE OBSERVED. — 1. When a peace officer has probable cause to believe that an eligible adult will suffer an imminent likelihood of serious physical harm if not immediately placed in a medical facility for care and treatment, that the adult is incapable of giving consent, and that it is not possible to follow the procedures in section [660.285] **192.1097**, the officer may transport, or arrange transportation for, the eligible adult to an appropriate medical facility which may admit the eligible adult and shall notify the next of kin, if known, and the director.

2. Where access to the eligible adult is barred and a substantial likelihood exists of serious physical harm resulting to the eligible adult if [he] **such eligible adult** is not immediately afforded protective services, the peace officer may apply to the appropriate court for a warrant to enter upon the described premises and remove the eligible adult. The application for the warrant shall identify the eligible adult and the circumstances and facts which require the issuance of the warrant.

3. If immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment for the eligible adult, has not given or refused to give such consent, and it is the opinion of the medical staff of the facility that treatment is necessary to prevent serious physical harm, the director or the head of the medical facility shall file a petition in the appropriate court for an order authorizing specific medical treatment. The court shall hold a hearing and issue its decision forthwith. Notwithstanding the above, if a licensed physician designated by the facility for such purpose examines the eligible adult and determines that the treatment is immediately or imminently necessary and any delay occasioned by the hearing provided in this subsection would jeopardize the life of the person affected, the medical facility may treat the eligible adult prior to such court hearing.

4. The court shall conduct a hearing pursuant to chapter 475 forthwith and, if the court finds the eligible adult incapacitated, it shall appoint a guardian ad litem for the person of the eligible adult to determine the nature and extent of the medical treatment necessary for the benefit of the eligible adult and to supervise the rendition of such treatment. The guardian ad litem shall promptly report the completion of treatment to the court, who shall thereupon conduct a restoration hearing or a hearing to appoint a permanent guardian.

5. The medical care under this section may not be rendered in a mental health facility unless authorized pursuant to the civil commitment procedures in chapter 632.

6. Nothing contained in this section or in any other section of sections [660.250 to 660.295] **192.1080 to 192.1100** shall be construed as requiring physician or medical care or hospitalization of any person who, because of religious faith or conviction, relies on spiritual means or prayer to cure or prevent disease or suffering nor shall any provision of sections [660.250 to 660.295] **192.1080 to 192.1100** be construed so as to designate any person as an eligible adult who presents a likelihood of suffering serious physical harm and is in need of protective services solely because such person, because of religious faith or conviction, relies on spiritual means or prayer to cure or prevent disease or suffering.

[660.295.] 192.1100. DISCONTINUANCE OF SERVICES, WHEN — EXCEPTION. — If an eligible adult does not consent to the receipt of reasonable and necessary protective services, or if an eligible adult withdraws previously given consent, the protective services shall not be provided or continued; except that, if the director has reasonable cause to believe that the eligible adult lacks the capacity to consent, the director may seek a court order pursuant to the provisions of section [660.285] **192.1097**.

[660.300.] 192.1102. REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY — PENALTY — CONTENTS OF REPORT — INVESTIGATION, PROCEDURE — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE AT HOME EVALUATIONS, PROCEDURE. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

6. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

7. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

8. Reports shall be confidential, as provided under section [660.320] **192.1112**.

9. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or

criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

10. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he **or she** or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he **or she** has reasonable cause to believe has been committed or has occurred.

12. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

13. The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

14. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section [660.315] **192.1108**, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

15. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer

any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

16. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

17. All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

18. Subject to appropriations, all nurse visits authorized in sections [660.250 to 660.300] **192.1080 to 192.1102** shall be reimbursed to the in-home services provider agency.

[660.305.] 192.1104. IN-HOME SERVICES CLIENT, MISAPPROPRIATION OF PROPERTY, REPORT—INVESTIGATION—PENALTY—CONFIDENTIALITY OF REPORT—IMMUNITY—RETALIATION PROHIBITED—EMPLOYEE DISQUALIFICATION LIST. — 1. Any person having reasonable cause to believe that a misappropriation of an in-home services client's property or funds, or the falsification of any documents verifying service delivery to the in-home services client has occurred, may report such information to the department.

2. For each report the department shall attempt to obtain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, information regarding the nature of the misappropriation or falsification, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any in-home services provider agency or in-home services employee who puts to his or her own use or the use of the in-home services provider agency or otherwise diverts from the in-home services client's use any personal property or funds of the in-home services client, or falsifies any documents for service delivery, is guilty of a class A misdemeanor.

4. Upon receipt of a report, the department shall immediately initiate an investigation and report information gained from such investigation to appropriate law enforcement authorities.

5. If the investigation indicates probable misappropriation of property or funds, or falsification of any documents for service delivery of an in-home services client, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action.

6. Reports shall be confidential, as provided under section [660.320] **192.1112**.

7. Anyone, except any person participating in or benefitting from the misappropriation of funds, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

8. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

9. No person who directs or exercises any authority in an in-home services provider agency shall harass, dismiss or retaliate against an in-home services client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of

laws, ordinances or regulations applying to the in-home services provider agency or any in-home services employee which he or she has reasonable cause to believe has been committed or has occurred.

10. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who are or have been employed by an in-home service provider agency and who have been finally determined by the department to, pursuant to section [660.315] **192.1108**, have misappropriated any property or funds, or falsified any documents for service delivery of an in-home services client and who came to be known to the person, directly, or indirectly while employed by an in-home services provider agency.

[660.310.] 192.1106. ALTERATION OF IN-HOME SERVICES PROVIDER AGENCY CONTRACTS, PROCEDURE — LETTERS OF CENSURE — STAYING OF SUSPENSIONS — APPEAL PROCESS.

1. Notwithstanding any other provision of law, if the department of health and senior services proposes to deny, suspend, place on probation, or terminate an in-home services provider agency contract, the department of health and senior services shall serve upon the applicant or contractor written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or contractor shall have thirty days from the date of mailing or delivery of the notice to file a complaint requesting a hearing before the administrative hearing commission. The administrative hearing commission may consolidate an applicant's or contractor's complaint with any proceeding before the administrative hearing commission filed by such contractor or applicant pursuant to subsection 3 of section 208.156 involving a common question of law or fact. Upon the filing of the complaint, the provisions of sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall apply. With respect to cases in which the department has denied a contract to an in-home services provider agency, the administrative hearing commission shall conduct a hearing to determine the underlying basis for such denial. However, if the administrative hearing commission finds that the contract denial is supported by the facts and the law, the case need not be returned to the department. The administrative hearing commission's decision shall constitute affirmation of the department's contract denial.

2. The department of health and senior services may issue letters of censure or warning without formal notice or hearing.

3. The administrative hearing commission may stay the suspension or termination of an in-home services provider agency's contract, or the placement of the contractor on probation, pending the commission's findings and determination in the cause, upon such conditions, with or without the agreement of the parties, as the commission deems necessary and appropriate, including the posting of bond or other security except that the commission shall not grant a stay, or if a stay has already been entered shall set aside its stay, unless the commission finds that the contractor has established that servicing the [department's] **MO HealthNet's** clients pending the commission's final determination would not present an imminent danger to the health, safety, or welfare of any client or a substantial probability that death or serious physical harm would result. The commission may remove the stay at any time that it finds that the contractor has violated any of the conditions of the stay. Such stay shall remain in effect, unless earlier removed by the commission, pending the decision of the commission and any subsequent departmental action at which time the stay shall be removed. In any case in which the department has refused to issue a contract, the commission shall have no authority to stay or to require the issuance of a contract pending final determination by the commission.

4. Stays granted to contractors by the administrative hearing commission shall, as a condition of the stay, require at a minimum that the contractor under the stay operate under the same contractual requirements and regulations as are in effect, from time to time, as are applicable to all other contractors in the program.

5. The administrative hearing commission shall make its final decision based upon the circumstances and conditions as they existed at the time of the action of the department and not

based upon circumstances and conditions at the time of the hearing or decision of the commission.

6. In any proceeding before the administrative hearing commission pursuant to this section, the burden of proof shall be on the contractor or applicant seeking review.

7. Any person, including the department, aggrieved by a final decision of the administrative hearing commission may seek judicial review of such decision as provided in section 621.145.

[660.315.] 192.1108. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is

brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department of **social services or its divisions**;
- (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under chapter 197;
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
- (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions

(1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;
- (2) Was placed on the employee disqualification list under this section after the date of hire;
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;
- (4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or
- (5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

[660.317.] 192.1110. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES, REQUIRED WHEN — PERSONS WITH CRIMINAL HISTORY NOT TO BE HIRED, WHEN, PENALTY — FAILURE TO DISCLOSE, PENALTY — IMPROPER HIRINGS, PENALTY — DEFINITIONS — RULES TO WAIVE HIRING RESTRICTIONS. — 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

- (1) Is licensed as an operator pursuant to chapter 198;
- (2) Provides in-home services under contract with the department of social services or its divisions;
- (3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is an entity licensed pursuant to chapter 197;
- (5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health; or
- (6) Is a licensed adult day care provider.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540.

3. Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of

temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section 43.540. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence. If an applicant has not resided in this state for five consecutive years prior to the date of his or her application for employment, the provider shall request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The fingerprint cards and any required fees shall be sent to the highway patrol's central repository. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual. The provisions relating to applicants for employment who have not resided in this state for five consecutive years shall apply only to persons who have no employment history with a licensed Missouri facility during that five-year period. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the provider making the record request; and

(2) Make an inquiry to the department of health and senior services whether the person is listed on the employee disqualification list as provided in section [660.315] **192.1108**.

4. When the provider requests a criminal background check pursuant to section 43.540, the requesting entity may require that the applicant reimburse the provider for the cost of such record check. When a provider requests a nationwide criminal background check pursuant to subdivision (1) of subsection 3 of this section, the total cost to the provider of any background check required pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding and the obligation of a provider to obtain a nationwide criminal background check shall be subject to the availability of appropriations.

5. An applicant for a position to have contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540 so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section [660.315] **192.1108**.

6. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires or retains a person to have contact with patients or residents and the person has been convicted of, pled guilty to or nolo contendere in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

7. Any in-home services provider agency or home health agency shall be guilty of a class A misdemeanor if such agency knowingly employs a person to provide in-home services or home health services to any in-home services client or home health patient and such person either refuses to register with the family care safety registry or is listed on any of the background check lists in the family care safety registry pursuant to sections 210.900 to 210.937.

8. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

9. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

10. Except for the hiring restriction based on the department of health and senior services employee disqualification list established pursuant to section [660.315] **192.1108**, the department of health and senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents.

[660.320.] 192.1112. PROHIBITION AGAINST DISCLOSURE OF REPORTS, EXCEPTIONS — EMPLOYMENT SECURITY PROVIDED REPORTS UPON REQUEST. — 1. Reports confidential under section 198.070 and sections [660.300 to 660.315] **192.1102 to 192.1108** shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610. The name of the complainant or any person mentioned in the reports shall not be disclosed unless:

(1) The complainant, resident or the in-home services client mentioned agrees to disclosure of his or her name;

(2) The department determines that disclosure is necessary in order to prevent further abuse, neglect, misappropriation of property or funds, or falsification of any documents verifying service delivery to an in-home services client;

(3) Release of a name is required for conformance with a lawful subpoena;

(4) Release of a name is required in connection with a review by the administrative hearing commission in accordance with section 198.039;

(5) The department determines that release of a name is appropriate when forwarding a report of findings of an investigation to a licensing authority; or

(6) Release of a name is requested [by the division of family services] for the purpose of licensure under chapter 210.

2. The department shall, upon request, provide to the division of employment security within the department of labor and industrial relations copies of the investigative reports that led to an employee being placed on the disqualification list.

[660.321.] 192.1114. CONFIDENTIALITY OF RECORDS, RECORDS DISCLOSED, WHEN. — Notwithstanding any other provision of law, the department shall not disclose personally identifiable medical, social, personal, or financial records of any eligible adult being served by the division of senior services except when disclosed in a manner that does not identify the eligible adult, or when ordered to do so by a court of competent jurisdiction. Such records shall be accessible without court order for examination and copying only to the following persons or offices, or to their designees:

(1) The department or any person or agency designated by the department for such purposes as the department may determine;

(2) The attorney general, to perform his or her constitutional or statutory duties;

(3) The department of mental health for residents placed through that department, to perform its constitutional or statutory duties;

(4) Any appropriate law enforcement agency, to perform its constitutional or statutory duties;

(5) The eligible adult, his or her legal guardian or any other person designated by the eligible adult; and

(6) The department of social services for individuals who receive Medicaid benefits, to perform its constitutional or statutory duties.

193.075. CERTIFICATES AND REPORTS, FORM, FORMAT, CONTENTS. — 1. The forms of certificates and reports required by sections 193.005 to 193.325 or by regulations adopted hereunder shall include as a minimum the items recommended by the federal agency responsible for national vital statistics.

2. Each certificate, report, and other document required by sections 193.005 to 193.325 shall be on a form or in a format prescribed by the state registrar.

3. All vital records shall contain the date received for registration.

4. Information required in certificates or reports authorized by sections 193.005 to 193.325 may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

5. In addition to other personal data required by the registrar to be entered on a birth certificate, each parent shall furnish to the registrar the Social Security account number, or numbers if applicable, issued to the parent unless the registrar finds good cause for not requiring the furnishing of such number or numbers. Good cause shall be determined in accordance with regulations established by the Secretary of the United States Department of Health and Human Services. The registrar shall make numbers furnished under this section available to the **family support** division [of child support enforcement] of the department of social services. Such numbers shall not be recorded on the birth certificate. The **family support** division [of child support enforcement] shall not use any Social Security number furnished under the section for any purpose other than for the establishment and enforcement of child support obligations, and the confidentiality provisions and penalties contained in section 454.440 shall apply. Nothing in this section shall be construed to prohibit the department of health and senior services from using Social Security numbers for statistical purposes.

193.215. AMENDMENT OF CERTIFICATES AND REPORTS — ACKNOWLEDGMENT OF PATERNITY AFFIDAVIT, NOTICE TO BE GIVEN PARENTS — RESCISSION OF ACKNOWLEDGMENT, FILING — PATERNITY ESTABLISHMENT SERVICES OFFERED BY DEPARTMENT. — 1. A certificate or report registered pursuant to sections 193.005 to 193.325 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations adopted by the department.

2. A certificate or report that is amended pursuant to this section shall be marked "Amended" except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made part of the record.

3. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name. The court order shall include such facts as are necessary to locate and identify the certificate of birth of the person whose name is being changed.

4. When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and the applicant's right of appeal to a court of competent jurisdiction.

5. When a certificate or report is amended pursuant to this section, the state registrar shall report the amendment to any other custodians of the vital record and their record shall be amended accordingly.

6. Upon written request of both parents and receipt of a sworn acknowledgment of paternity notarized and signed by both parents of a child born out of wedlock, the state registrar shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form shall be developed by the state registrar and shall include the minimum requirements prescribed by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the surname of the child and such surname shall be changed on the birth record if the parents elect to change the child's surname. The signature of the parents shall be notarized or the signature shall be witnessed by at least two disinterested adults whose signatures and addresses shall be plainly written thereon. The form shall be accompanied by oral notice, which may be provided through the use of video or audio equipment, and written notice to the mother and putative father of:

(1) The alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment;

(2) The benefits of having the child's paternity established; and

(3) The availability of paternity establishment and child support enforcement services. A rescission of acknowledgment form shall be filed with the bureau of vital records pursuant to section 210.823 to vacate the legal finding of paternity. The bureau shall file all rescissions and forward a copy of each to the **family support** division [of child support enforcement]. The birth record shall only be changed pursuant to this subsection upon an order of the court or the **family support** division [of child support enforcement].

7. The department shall offer voluntary paternity establishment services.

8. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian or legal representative, the state registrar shall amend the certificate of birth to show the new name.

9. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended.

196.1103. BOARD ESTABLISHED — APPOINTMENT, TERMS, QUALIFICATIONS, EXPENSES, APPOINTMENT TO LIFE SCIENCES COMMITTEE NOT TO DISQUALIFY FOR MEMBERSHIP ON BOARD. — The management, governance, and control of moneys appropriated from the life sciences research trust fund shall be vested in the "Life Sciences Research Board" which is hereby created in the [office of administration] **department of economic development** as a type III [division] **agency** and which shall consist of seven members. The following provisions shall apply to the life sciences research board and its members:

(1) Each member shall be appointed by the governor with the advice and consent of the senate pursuant to the procedures herein set forth for a term of four years; except that, of the initial members of the board appointed, three shall be appointed for two-year terms and four shall be appointed to four-year terms;

(2) The members of the board shall be generally familiar with the life sciences and current research trends and developments with either technical or scientific expertise in life sciences and with an understanding of the application of the results of life sciences research. The appointment of a person to the life sciences research committee created by Executive Order 01-10 issued by the governor on July 23, 2001, shall not disqualify a person from serving as a member, either contemporaneously or later, on the life sciences research board;

(3) No member of the life sciences research board shall serve more than two consecutive full four-year terms;

(4) The members of the life sciences research board shall receive no salary or other compensation for their services as a member of the board, but shall receive reimbursement for

their actual and necessary expenses incurred in performance of their duties as members of the board.

197.312. CERTIFICATE OF NEED NOT REQUIRED FOR ST. LOUIS RESIDENTIAL CARE FACILITIES AND ASSISTED LIVING FACILITIES—CERTAIN OTHER FACILITIES, CERTIFICATE NOT REQUIRED. — A certificate of need shall not be required for any institution previously owned and operated for or in behalf of a city not within a county which chooses to be licensed as a facility defined under subdivision [(21) or] (22) or (23) of section 198.006 for a facility of ninety beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the [division of aging] **department of health and senior services** of plans for construction of such facility by August 1, 1995, and is licensed by the [division of aging] **department of health and senior services** by July 1, 1996, as a facility defined under subdivision [(21) or] (22) or (23) of section 198.006 or for a facility, serving exclusively mentally ill, homeless persons, of sixteen beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the [division of aging] **department of health and senior services** of plans for construction of such facility by May 1, 1996, and is licensed by the [division of aging] **department of health and senior services** by July 1, 1996, as a facility defined under subdivision [(21) or] (22) or (23) of section 198.006 or an assisted living facility located in a city not within a county operated by a not for profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which is licensed for one hundred beds or less on or before August 28, 1997.

197.318. LICENSED AND AVAILABLE, DEFINED — REVIEW OF LETTERS OF INTENT — APPLICATION OF LAW IN PENDING COURT CASES—EXPANSION PROCEDURES. — 1. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

2. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

3. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

4. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198 may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the [division of aging] **department of health and senior services** and the health facilities review committee;

(b) Certification from the [division of aging] **department of health and senior services** that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198 may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198 may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

5. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the [division of aging] **health and senior services** vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

6. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198 from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.

197.367. LICENSED BED LIMITATION IMPOSED, WHEN. — Upon application for renewal by any residential care facility or assisted living facility which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain

for any calendar year its occupancy level above thirty percent of its then licensed beds, the [division of aging] **department of health and senior services** shall license only fifty beds for such facility.

198.018. APPLICATIONS FOR LICENSE, HOW MADE — FEES — AFFIDAVIT — DOCUMENTS REQUIRED TO BE FILED — NURSING FACILITY QUALITY OF CARE FUND CREATED — FACILITIES MAY NOT BE LICENSED BY POLITICAL SUBDIVISIONS, BUT THEY MAY INSPECT. — 1. Applications for a license shall be made to the department by the operator upon such forms and including such information and documents as the department may reasonably require by rule or regulation for the purposes of administering sections 198.003 to 198.186, section 198.200, and sections 208.030 and 208.159.

2. The applicant shall submit all documents required by the department under this section attesting by signature that the statements contained in the application are true and correct to the best of the applicant's knowledge and belief, and that all required documents are either included with the application or are currently on file with the department.

3. The application shall be accompanied by a license fee in an amount established by the department. The fee established by the department shall not exceed six hundred dollars, and shall be a graduated fee based on the licensed capacity of the applicant and the duration of the license. A fee of not more than fifty dollars shall be charged for any amendments to a license initiated by an applicant. In addition, facilities certified to participate in the Medicaid or Medicare programs shall pay a certification fee of up to one thousand dollars annually, payable on or before October first of each year. The amount remitted for the license fee, fee for amendments to a license, or certification fee shall be deposited in the state treasury to the credit of the "Nursing Facility Quality of Care Fund", which is hereby created. All investment earnings of the nursing facility quality of care fund shall be credited to such fund. All moneys in the nursing facility quality of care fund shall, upon appropriation, be used by the [division of aging] **department of health and senior services** for conducting inspections and surveys, and providing training and technical assistance to facilities licensed under the provisions of this chapter. The unexpended balance in the nursing facility quality of care fund at the end of the biennium is exempt from the provisions of sections 33.080. The unexpended balance in the nursing facility quality of care fund shall not revert to the general revenue fund, but shall accumulate in the nursing facility quality of care fund from year to year.

4. Within ten working days of the effective date of any document that replaces, succeeds, or amends any of the documents required by the department to be filed pursuant to this section, an operator shall file with the department a copy of such document. The operator shall attest by signature that the document is true and correct. If the operator knowingly fails to file a required document or provide any information amending any document within the time provided for in this section, a circuit court may, upon application of the department or the attorney general, assess a penalty of up to fifty dollars per document for each day past the required date of filing.

5. If an operator fails to file documents or amendments to documents as required pursuant to this section and such failure is part of a pattern or practice of concealment, such failure shall be sufficient grounds for revocation of a license or disapproval of an application for a license.

6. Any facility defined in subdivision [(8), (15), (16) or (17)] **(6), (14), (22), or (23)** of section 198.006 that is licensed by the state of Missouri pursuant to the provisions of section 198.015 may not be licensed, certified or registered by any other political subdivision of the state of Missouri whether or not it has taxing power, provided, however, that nothing in this subsection shall prohibit a county or city, otherwise empowered under law, to inspect such facility for compliance with local ordinances of food service or fire safety.

198.026. NONCOMPLIANCE, HOW DETERMINED — PROCEDURE TO CORRECT — NOTICE — REINSPECTION — PROBATIONARY LICENSE. — 1. Whenever a duly authorized representative of the department finds upon an inspection of a facility that it is not in compliance

with the provisions of sections 198.003 to 198.096 and the standards established thereunder, the operator or administrator shall be informed of the deficiencies in an exit interview conducted with the operator or administrator, or his or her designee. The department shall inform the operator or administrator, in writing, of any violation of a class I standard at the time the determination is made. A written report shall be prepared of any deficiency for which there has not been prompt remedial action, and a copy of such report and a written correction order shall be sent to the operator or administrator by certified mail or other delivery service that provides a dated receipt of delivery at the facility address within ten working days after the inspection, stating separately each deficiency and the specific statute or regulation violated.

2. The operator or administrator shall have five working days following receipt of a written report and correction order regarding a violation of a class I standard and ten working days following receipt of the report and correction order regarding violations of class II or class III standards to request any conference and to submit a plan of correction for the department's approval which contains specific dates for achieving compliance. Within five working days after receiving a plan of correction regarding a violation of a class I standard and within ten working days after receiving a plan of correction regarding a violation of a class II or III standard, the department shall give its written approval or rejection of the plan. If there was a violation of any class I standard, immediate corrective action shall be taken by the operator or administrator and a written plan of correction shall be submitted to the department. The department shall give its written approval or rejection of the plan and if the plan is acceptable, a reinspection shall be conducted within twenty calendar days of the exit interview to determine if deficiencies have been corrected. If there was a violation of any class II standard and the plan of correction is acceptable, an unannounced reinspection shall be conducted between forty and ninety calendar days from the date of the exit conference to determine the status of all previously cited deficiencies. If there was a violation of class III standards sufficient to establish that the facility was not in substantial compliance, an unannounced reinspection shall be conducted within one hundred twenty days of the exit interview to determine the status of previously identified deficiencies.

3. If, following the reinspection, the facility is found not in substantial compliance with sections 198.003 to 198.096 and the standards established thereunder or the operator is not correcting the noncompliance in accordance with the approved plan of correction, the department shall issue a notice of noncompliance, which shall be sent by certified mail or other delivery service that provides a dated receipt of delivery to each person disclosed to be an owner or operator of the facility, according to the most recent information or documents on file with the department.

4. The notice of noncompliance shall inform the operator or administrator that the department may seek the imposition of any of the sanctions and remedies provided for in section 198.067, or any other action authorized by law.

5. At any time after an inspection is conducted, the operator may choose to enter into a consent agreement with the department to obtain a probationary license. The consent agreement shall include a provision that the operator will voluntarily surrender the license if substantial compliance is not reached in accordance with the terms and deadlines established under the agreement. The agreement shall specify the stages, actions and time span to achieve substantial compliance.

6. Whenever a notice of noncompliance has been issued, the operator shall post a copy of the notice of noncompliance and a copy of the most recent inspection report in a conspicuous location in the facility, and the department shall send a copy of the notice of noncompliance to the [division of family services of the] department of social services, the department of mental health, and any other concerned federal, state or local governmental agencies.

198.029. NONCOMPLIANCE — NOTICE TO OPERATOR AND PUBLIC, WHEN — NOTICE OF NONCOMPLIANCE POSTED. — The provisions of section 198.026 notwithstanding, whenever

a duly authorized representative of the department finds upon inspection of a licensed facility, and the director of the department finds upon review, that the facility or the operator is not in substantial compliance with a standard or standards the violations of which would present either an imminent danger to the health, safety or welfare of any resident or a substantial probability that death or serious physical harm would result and which is not immediately corrected, the department shall:

(1) Give immediate written notice of the noncompliance to the operator, administrator or person managing or supervising the conduct of the facility at the time the noncompliance is found;

(2) Make public the fact that a notice of noncompliance has been issued to the facility. Copies of the notice shall be sent to appropriate hospitals and social service agencies;

(3) Send a copy of the notice of noncompliance to the [division of family services of the] department of social services, the department of mental health, and any other concerned federal, state or local government agencies. The facility shall post in a conspicuous location in the facility a copy of the notice of noncompliance and a copy of the most recent inspection report.

198.077. DEPARTMENT TO MAINTAIN FACILITY COMPLIANCE RECORDS. — For any residential care facility, assisted living facility, intermediate care facility or skilled nursing facility, if the department of [social] **health and senior** services maintains records of site inspections and violations of statutes, rules, or the terms or conditions of any license issued to such facility, the department shall also maintain records of compliance with such statutes, rules, or terms or conditions of any license, and shall specifically record in such records any actions taken by the facility that are above and beyond what is minimally required for compliance.

198.080. ASSESSMENT PROCEDURES DEVELOPED—RULEMAKING AUTHORITY. — The [division of aging] **department of health and senior services** shall develop flexible assessment procedures for individuals in long-term care and those considering long-term care services which follow the individual through the continuum of care, including periodic reassessment. By January 1, 2002, the [division of aging] **department of health and senior services** shall promulgate rules and regulations to implement the new assessment system and shall make a report to the appropriate house and senate committees of the general assembly regarding the new assessment system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

198.087. UNIFORMITY OF APPLICATION OF REGULATION STANDARDS, DEPARTMENT'S DUTIES. — To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of [social] **health and senior** services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter;

(4) [With the full cooperation of and in conjunction with the department of health and senior services,] Evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations and standards pursuant to section 197.080 for assisted living facilities, intermediate care facilities and skilled nursing facilities attached to an acute care hospital are consistent with the intent of this chapter; and

(5) [With the full cooperation and in conjunction with the department of health and senior services,] Develop rules and regulations requiring the exchange of information, including regulatory violations, between the [departments] **department and the department of social services** to ensure the protection of individuals who are served by health care providers regulated by either the department [of health and senior services or the department of social services].

198.090. PERSONAL POSSESSIONS MAY BE HELD IN TRUST, REQUIREMENTS, DISPOSAL OF — WRITTEN STATEMENTS REQUIRED WHEN, PENALTY — PROHIBITIONS, PENALTIES — MISAPPROPRIATION, REPORT, INVESTIGATION — EMPLOYEE DISQUALIFICATION LIST. — 1. An operator may make available to any resident the service of holding in trust personal possessions and funds of the resident and shall, as authorized by the resident, expend the funds to meet the resident's personal needs. In providing this service the operator shall:

(1) At the time of admission, provide each resident or [his] **such resident's** next of kin or legal guardian with a written statement explaining the resident's rights regarding personal funds;

(2) Accept funds and personal possessions from or for a resident for safekeeping and management, only upon written authorization by the resident or by [his] **such resident's** designee, or guardian in the case of an adjudged incompetent;

(3) Deposit any personal funds received from or on behalf of a resident in an account separate from the facility's funds, except that an amount to be established by rule of the [division of aging] **department of health and senior services** may be kept in a petty cash fund for the resident's personal needs;

(4) Keep a written account, available to a resident and [his] **such resident's** designee or guardian, maintained on a current basis for each resident, with written receipts, for all personal possessions and funds received by or deposited with the facility and for all disbursements made to or on behalf of the resident;

(5) Provide each resident or [his] **such resident's** designee or guardian with a quarterly accounting of all financial transactions made on behalf of the resident;

(6) Within five days of the discharge of a resident, provide the resident, or [his] **such resident's** designee or guardian, with an up-to-date accounting of the resident's personal funds and return to the resident the balance of his **or her** funds and all his **or her** personal possessions;

(7) Upon the death of a resident who has been a recipient of aid, assistance, care, services, or who has had moneys expended on [his] **such resident's** behalf by the department of social services, provide the department a complete account of all the resident's personal funds within sixty days from the date of death. The total amount paid to the decedent or expended upon [his] **such decedent's** behalf by the department shall be a debt due the state and recovered from the available funds upon the department's claim on such funds. The department shall make a claim on the funds within sixty days from the date of the accounting of the funds by the facility. The nursing facility shall pay the claim made by the department of social services from the resident's personal funds within sixty days. Where the name and address are reasonably ascertainable, the department of social services shall give notice of the debt due the state to the person whom the recipient had designated to receive the quarterly accounting of all financial transactions made

under this section, or the resident's guardian or conservator or the person or persons listed in nursing home records as a responsible party or the fiduciary of the resident's estate. If any funds are available after the department's claim, the remaining provisions of this section shall apply to the balance, unless the funds belonged to a person other than the resident, in which case the funds shall be paid to that person;

(8) Upon the death of a resident who has not been a recipient of aid, assistance, care, services, or who has not had moneys expended on [his] **such resident's** behalf by the department of social services or the department has not made a claim on the funds, provide the fiduciary of resident's estate, at the fiduciary's request, a complete account of all the resident's personal funds and possessions and deliver to the fiduciary all possessions of the resident and the balance of the resident's funds. If, after one year from the date of death, no fiduciary makes claim upon such funds or possessions, the operator shall notify the department that the funds remain unclaimed. Such unclaimed funds or possessions shall be disposed of as follows:

(a) If the unclaimed funds or possessions have a value totaling one hundred and fifty dollars or less, the funds or the proceeds of the sale of the possessions may be deposited in a fund to be used for the benefit of all residents of the facility by providing the residents social or educational activities. The facility shall keep an accounting of the acquisitions and expenditure of these funds; or

(b) If the unclaimed funds or possessions have a value greater than one hundred and fifty dollars, the funds or possessions shall be immediately presumed to be abandoned property under sections 447.500 to 447.585 and the procedures provided for in those sections shall apply notwithstanding any other provisions of those sections which require a period greater than two years for a presumption of abandonment;

(9) Upon ceasing to be the operator of a facility, all funds and property held in trust pursuant to this section shall be transferred to the new operator in accordance with sound accounting principles, and a closeout report signed by both the outgoing operator and the successor operator shall be prepared. The closeout report shall include a list of current balances of all funds held for residents respectively and an inventory of all property held for residents respectively. If the outgoing operator refuses to sign the closeout report, [he] **such operator** shall state in writing the specific reasons for his **or her** failure to so sign, and the successor operator shall complete the report and attach an affidavit stating that the information contained therein is true to the best of his **or her** knowledge and belief. Such report shall be retained with all other records and accounts required to be maintained under this section;

(10) Not be required to invest any funds received from or on behalf of a resident, nor to increase the principal of any such funds.

2. Any owner, operator, manager, employee, or affiliate of an owner or operator who receives any personal property or anything else of value from a resident, shall, if the thing received has a value of ten dollars or more, make a written statement giving the date it was received, from whom it was received, and its estimated value. Statements required to be made pursuant to this subsection shall be retained by the operator and shall be made available for inspection by the department, or by the department of mental health when the resident has been placed by that department, and by the resident, and [his] **such resident's** designee or legal guardian. Any person who fails to make a statement required by this subsection is guilty of a class C misdemeanor.

3. No owner, operator, manager, employee, or affiliate of an owner or operator shall in one calendar year receive any personal property or anything else of value from the residents of any facility which have a total estimated value in excess of one hundred dollars.

4. Subsections 2 and 3 of this section shall not apply if the property or other thing of value is held in trust in accordance with subsection 1 of this section, is received in payment for services rendered or pursuant to the terms of a lawful contract, or is received from a resident who is related to the recipient within the fourth degree of consanguinity or affinity.

5. Any operator who fails to maintain records or who fails to maintain any resident's personal funds in an account separate from the facility's funds as required by this section shall be guilty of a class C misdemeanor.

6. Any operator, or any affiliate or employee of an operator, who puts to his **or her** own use or the use of the facility or otherwise diverts from the resident's use any personal funds of the resident shall be guilty of a class A misdemeanor.

7. Any person having reasonable cause to believe that a misappropriation of a resident's funds or property has occurred may report such information to the department.

8. For each report the division shall attempt to obtain the name and address of the facility, the name of the facility employee, the name of the resident, information regarding the nature of the misappropriation, the name of the complainant, and any other information which might be helpful in an investigation.

9. Upon receipt of a report, the department shall initiate an investigation.

10. If the investigation indicates probable misappropriation of property or funds of a resident, the investigator shall refer the complaint together with his **or her** report to the department director or [his] **the director's** designee for appropriate action.

11. Reports shall be confidential, as provided under section [660.320] **192.1112**.

12. Anyone, except any person participating in or benefitting from the misappropriation of funds, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

13. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

14. No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a resident or employee because he **or she** or any member of his **or her** family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he **or she** has reasonable cause to believe has been committed or has occurred.

15. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section [660.315] **192.1108**, to have misappropriated any property or funds of a resident while employed in any facility.

198.189. MEDICAID PAYMENT SYSTEM FOR ASSISTED LIVING FACILITIES TO BE IMPLEMENTED—OPTIONS.— The department of social services, **MO HealthNet** division [of medical services] , and the department of health and senior services, division of senior and disability services shall work together to implement a new Medicaid payment system for assisted living facilities defined in section 198.006. The departments shall look at possible options including but not limited to federal Medicaid waivers, state plan amendments, and provisions of the federal Deficit Reduction Act of 2005 that will allow a tiered rate system via a bundled monthly rate for all services not included in the room and board function of the facility, including but not limited to: adult day care/socialization activities, escort services, essential shopping, health maintenance activities, housekeeping activities, meal preparation, laundry services, medication assistance (set-up and administration), personal care services, assistance with activities of daily living and instrumental activities of daily living, transportation services, nursing supervision, health promotion and exercise programming, emergency call systems, incontinence supplies, and companion services. The amount of the personal funds allowance for the Medicaid recipient residing in an assisted living facility shall include enough money for over-the-counter medications and co-payments for Medicaid and Medicare Part D services. The departments shall work with assisted living facility provider groups in developing this new payment system.

The department of social services shall submit all necessary applications for implementing this new system singularly or within a multiservice state Medicaid waiver application to the secretary of the federal Department of Health and Human Services by July 1, 2007.

198.421. ALLOWANCE PERIOD, NOTIFICATION BY DEPARTMENT, DELINQUENT ALLOWANCE—LIEN, ENFORCEMENT, SANCTIONS—EFFECT UPON LICENSE.— 1. A nursing facility reimbursement allowance period as provided in sections 198.401 to 198.436 shall be from the first day of October to the thirtieth day of September. The department shall notify each nursing facility with a balance due on the thirtieth day of September of each year the amount of such balance due. If any nursing home fails to pay its nursing facility reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal or as allowed in section 198.412.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provision of section 198.401 for a previous reimbursement allowance period is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the nursing facility and to compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the nursing facility is located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid provider agreement to any nursing facility which fails to pay such delinquent reimbursement allowance required by section 198.401 unless under appeal as allowed in section 198.412.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under section 198.401 shall be grounds for denial, suspension or revocation of a license granted under this chapter. The director of the department of [social] **health and senior** services may deny, suspend or revoke the license of any nursing facility which fails to pay a delinquent reimbursement allowance unless under appeal as allowed in section 198.412.

198.428. MEDICAID ELIGIBILITY PRESUMED PENDING APPROVAL OR DENIAL OF APPLICATION, WHEN.— If the **family support** division [of family services] is unable to make a determination regarding Medicaid eligibility for a resident within sixty days of the submission of a completed application for medical assistance for nursing facility services, the patient shall be Medicaid eligible until the application is approved or denied. However, in no event shall benefits be construed to commence prior to the date of application.

198.510. DISCLOSURE REQUIRED, BY WHOM — LICENSING DEPARTMENT, DUTIES — DEPARTMENT OF HEALTH AND SENIOR SERVICES, DUTIES.— 1. Any facility which offers to provide or provides care for persons with Alzheimer's disease by means of an Alzheimer's special care unit or Alzheimer's special care program shall be required to disclose the form of care or treatment provided that distinguishes that unit or program as being especially applicable, or suitable for persons with Alzheimer's or dementia. The disclosure shall be made to the department which licenses the facility, agency or center giving the special care. At the time of admission of a patient requiring treatment rendered by the Alzheimer's special care program, a copy of the disclosure made to the department shall be delivered by the facility to the patient and the patient's next of kin, designee, or guardian. The licensing department shall examine all such disclosures in the department's records and verify the information on the disclosure for accuracy as part of the facility's regular license renewal procedure.

2. The [department of social services and the] department of health and senior services shall develop a single disclosure form to be completed by the facility, agency or center giving the special care. The information required to be disclosed by subsection 1 of this section on this form shall include, if applicable, an explanation of how the care is different from the rest of the facility in the following areas:

- (1) The Alzheimer's special care unit's or program's written statement of its overall philosophy and mission which reflects the need of residents afflicted with dementia;
- (2) The process and criteria for placement in, transfer or discharge from, the unit or program;
- (3) The process used for assessment and establishment of the plan of care and its implementation, including the method by which the plan of care evolves and is responsive to changes in condition;
- (4) Staff training and continuing education practices;
- (5) The physical environment and design features appropriate to support the functioning of cognitively impaired adult residents;
- (6) The frequency and types of resident activities;
- (7) The involvement of families and the availability of family support programs;
- (8) The costs of care and any additional fees; and
- (9) Safety and security measures.

198.515. ALZHEIMER'S FACILITIES, INFORMATIONAL DOCUMENTS REQUIRED — DEPARTMENT, DUTIES — LICENSING DEPARTMENT, VERIFICATION. — Any facility which offers to provide or provides care for persons with Alzheimer's disease by means of an Alzheimer's special care unit or Alzheimer's special care program shall be required to provide an informational document developed by or approved by the [division of aging] **department of health and senior services**. The document shall include but is not limited to updated information on selecting an Alzheimer's special care unit or Alzheimer's special care program. The document shall be given to any person seeking information about or placement in an Alzheimer's special care unit or Alzheimer's special care program. The distribution of this document shall be verified by the licensing department as part of the facility's regular license renewal procedure.

205.960. FOOD STAMP PLAN AUTHORIZED — PAYMENTS TO BE MADE ONLY WHEN FEDERAL FUNDS ARE AVAILABLE. — The **family support** division of [family services] **the department of social services** by itself, or upon the application of the county commission, or the governing body of any county or city not within a county, may establish and put into effect in any county or any city not within a county a program for the distribution of federally donated commodities or for the sale and issuance of federal food stamps or coupons to needy persons and participating families pursuant to any act of Congress of the United States; and may execute agreements necessary to maintain the eligibility of this state to receive surplus food commodities and to distribute federal food stamps or coupons, including agreements with banking corporations, counties and other agencies of this state, in carrying into effect the provisions of sections 205.960 to 205.966. Payment of the expenses of any program instituted under sections 205.960 to 205.966 shall be made pursuant to those sections only during the times when federal and state funds are provided and made available for such purposes.

205.961. FAMILY SUPPORT DIVISION TO REGULATE. — The **family support** division [of family services] shall make and promulgate necessary and reasonable rules and regulations for the administration of the programs established pursuant to section 205.960, and when required by federal law or regulation the **family support** division [of family services] shall be the certifying agency responsible for certifying individuals or households as eligible to receive surplus agricultural commodities or for the issuance of federal food stamps.

205.962. DIVISION TO CONTRACT WITH COUNTIES — COUNTIES NOT TO PARTICIPATE WITHOUT CONTRACT — EXPENSES OF PROGRAM, HOW PAID. — 1. The **family support** division [of family services] shall enter into a written agreement with the county commission or governing body of any county which desires to participate in a program for the distribution of

agricultural commodities within such county. Any agreement shall cover the responsibility of the parties thereto for the administration of the program and shall contain such terms and conditions as are required by regulations prescribed under federal laws governing distribution of such commodities as well as regulations of the **family support** division [of family services]. No county commission or governing body of a county shall participate in the administration of such program unless it has an agreement with the **family support** division [of family services] under this section. Expenses incurred in connection with a federally donated agricultural commodities food distribution program, including sums expended for the acquisition, warehousing, cold storage, safekeeping, maintenance of proper records and distribution of surplus agricultural commodities shall be paid by the county and **family support** division [of family services] in pursuance of the agreement entered into under this section or, in the absence of such agreement, by the **family support** division [of family services]. A county commission which has an agreement for distributing food commodities with the **family support** division [of family services] shall not be required to pay over fifteen percent of the total distribution costs in its county.

2. For the payment of expenses incurred in connection with the sale and distribution of federal food stamps in any county the **family support** division [of family services] may enter into agreements with banking corporations and with the county for the purpose of establishing and maintaining a food stamp distribution program in the county, and may accept moneys, services or quarters as a contribution toward the support and maintenance of such program. Any funds so received shall be payable to the director of revenue and deposited in the proper special account in the state treasury and become and be a part of the state funds appropriated for the use of the **family support** division [of family services].

205.964. REIMBURSEMENT TO FEDERAL GOVERNMENT, HOW MADE. — Any loss for which this state or its agencies or counties may be liable to reimburse the federal government in accordance with federal laws, rules and regulations applicable to federal food stamp plans or federal surplus agricultural commodities distribution programs shall be paid from funds appropriated to the **family support** division [of family services] for the administration of these programs. Any loss in a county in which a program of surplus agricultural commodities distribution is in effect, and with respect to which loss is incurred, shall be paid by the county to the **family support** division [of family services] in the amount payable to the federal government under this section. The payment for any loss by the state or county shall not relieve any person of any civil or criminal liability to this state.

205.965. FEDERAL REGULATIONS TO BE FOLLOWED, INSPECTIONS, AUDITS — FOOD STAMP VENDORS TO BE APPROVED AND LICENSED, FEES — ACTIONS TO RESTRAIN VIOLATIONS, PROCEDURE — PENALTY — RULEMAKING PROCEDURE. — 1. Counties, state agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of the distribution program of surplus agricultural commodities or a food stamp plan shall comply with all state and federal laws, rules and regulations applicable to such program or plans and shall be subject to inspection and audit by the **family support** division [of family services] with respect to the operation of the program or plan.

2. To the extent authorized by federal law, all food stamp vendors shall be approved and licensed by the **family support** division [of family services]. The division may promulgate rules and regulations necessary to administer the provisions of this section. The division shall set the amount of the fees for licensing food stamp vendors at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of this section. An action may be brought by the department to temporarily or permanently enjoin or restrain any violation of this subsection or the regulations applicable thereto. Any action brought under the provisions of this subsection shall be heard by the court within no more than twenty days after

the action has been filed and service made upon the vendor. Any person who in any way conducts business as a food stamp vendor without approval and license by the **family support division** [of family services] shall be guilty of a class A misdemeanor. A second offense within five years after the first conviction shall be a class D felony.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

207.010. DIVISIONS OF DEPARTMENT, AUTHORITY TO CARRY OUT DUTIES. — The [division of family services is] **children's division, family support division, MO HealthNet division, division of youth services, division of legal services, division of finance and administrative services, and the state technical support team** are an integral part of the department of social services and shall have and exercise all the powers and duties necessary to carry out fully and effectively the purposes assigned to [it] **them** by **the director of the department of social services and by law and the department of social services** shall be the state agency to:

- (1) Administer state plans and laws involving aid to dependent children;
- (2) Aid or relief in case of public calamity;
- (3) Aid for direct relief;
- (4) Child welfare services;
- (5) Social services to families and adults;
- (6) Pensions and services for the blind; and
- (7) Any other duties relating to public assistance and social services which may be imposed upon the department of social services.

207.020. POWERS OF CHILDREN'S DIVISION. — 1. In addition to the powers, duties and functions vested in the **children's division** [of family services] by other provisions of this chapter or by other laws of this state, the division [of family services] shall have the power:

- (1) To sue and be sued;
- (2) To make contracts and carry out the duties imposed upon it by this or any other law;
- (3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;
- (4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of same;
- (5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter and which are not inconsistent with the constitution or laws of this state;
- (6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the **children's division** [of family services] is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of state plans hereunder;
- (7) To make such reports in such form and containing such information as the United States government may, from time to time, require, and comply with such provisions as the United States government may, from time to time, find necessary to assure the correctness and verification of such reports;
- (8) To establish, extend and strengthen child welfare services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent;
- (9) To expend child welfare service funds for payment of part of the cost of district, county or other local child welfare services;
- (10) To administer state child welfare activities and develop state services for the encouragement and assistance of adequate methods of community child welfare organizations;

(11) To appoint, when and if it may deem necessary, advisory committees to provide professional or technical consultation in respect to welfare problems and welfare administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the **children's** division [of family services], and such advisory committees shall consult with and advise the **children's** division [of family services] in respect to problems and policies incident to the administration of the particular function germane to the respective field of competence;

(12) To initiate or cooperate with other agencies in developing measures for the prevention of dependency and the rehabilitation of [needy persons] **children**;

(13) To collect statistics, make special fact-finding studies and publish reports in reference to [public welfare] **its duties**;

(14) To establish or cooperate in research or demonstration projects relative to the welfare program, such as those relating to the prevention and reduction of dependency and economic distress, or which will aid in effecting coordination of planning between private and public welfare agencies, or which will help improve the administration and effectiveness of programs carried on or assisted under the federal Social Security Act and the programs related thereto;

(15) To provide appropriate public welfare services to promote, safeguard and protect the social well-being and general welfare of children and to help maintain and strengthen family life, and to provide such public welfare services to aid [needy persons who can be so helped to become self-supporting or capable of self-care] **children and their families as may be authorized by law**;

(16) Upon request, to cooperate with the juvenile court and furnish social studies and reports to the court with respect to children as to whom adoption, **abuse**, or neglect petitions have been filed;

(17) To accept for social services and care, homeless, dependent or neglected children in all counties where legal custody is vested in the **children's** division [of family services] by the juvenile court where the juvenile court has acquired jurisdiction pursuant to subdivision (1) or (2) of subsection 1 of section 211.031; provided that prior to legal custody being vested in the **children's** division [of family services], the **children's** division [of family services] shall conduct an evaluation of the child, examine the child and investigate all pertinent circumstances of his **or her** background for the purpose of determining appropriate services and a treatment plan for the child. This evaluation shall involve local division staff and consultation with the juvenile officer or [his] **such officer's** designee, appropriate state agencies, including but not limited to the department of mental health and the department of elementary and secondary education, or private practitioners who are knowledgeable of the child or programs or services appropriate to the needs of the child and shall be completed within thirty days. Temporary custody may be placed with the **children's** division [of family services] while the evaluation is being conducted. A report of such proceedings and findings shall be submitted in writing to the appropriate court.

(a) The **children's** division may, at any time, if it finds the child placed in its custody is in need of care or treatment other than that which it can provide, apply to the court which placed such child for an order relieving it of custody of such child. The court must make a determination within ten days and the court shall be vested with full power to make such disposition of the child as is authorized by law, including continued custody;

(b) However, no payments for care shall be made:

a. To facilities with which the **children's** division [of family services] has no contract to provide such care, or to facilities in the state of Missouri which are not licensed by the state of Missouri unless exempt from such licensure;

b. To any facility outside the state of Missouri unless the **children's** division [of family services] determines that there is no facility in the state of Missouri which can provide substantially equivalent care, except that this limitation shall not apply to any facility outside the state of Missouri if that facility is the closest available facility to the child's home or the

children's division [of family services] determines that such placement is in the child's best interest; nor

c. To any facility outside the state of Missouri which is not licensed or exempted from licensure by the state in which it is located, or which cannot document that it meets requirements which would be necessary for licensure in the state of Missouri. The term "care" shall include room, board, clothing, medical care, dental care, social services and incidentals;

(18) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof;

(19) To make periodic surveys of cost-of-living factors in relation to the [needs of recipients of public assistance] **duties and responsibilities of the division**, and establish standards or budgetary guides for determining minimum costs of meeting such requirements, and amend such standards from time to time as circumstances may require.

2. All powers and duties of the **children's** division [of family services] shall, so far as applicable, apply to the administration of any other law or state law wherein duties are imposed upon the **children's** division [of family services] acting as a state agency.

207.022. POWERS OF FAMILY SUPPORT DIVISION. — 1. In addition to the powers, duties and functions vested in the family support division by other provisions of this chapter or by other laws of this state, the family support division shall have the power:

(1) To sue and be sued;

(2) To make contracts and carry out the duties imposed upon it by this or any other law;

(3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;

(4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of same;

(5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter and which are not inconsistent with the constitution or laws of this state;

(6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the family support division is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of state plans hereunder;

(7) To make such reports in such form and containing such information as the United States government may, from time to time, require, and comply with such provisions as the United States government may, from time to time, find necessary to assure the correctness and verification of such reports;

(8) To appoint, when and if it may deem necessary, advisory committees to provide professional or technical consultation in respect to welfare problems and welfare administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the family support division and such advisory committees shall consult with and advise the family support division in respect to problems and policies incident to the administration of the particular function germane to the respective field of competence;

(9) To initiate or cooperate with other agencies in developing measures for the prevention of dependency and the rehabilitation of needy persons;

(10) To collect statistics, make special fact-finding studies and publish reports in reference to public welfare;

(11) To establish or cooperate in research or demonstration projects relative to the welfare program, such as those relating to the prevention and reduction of dependency and economic distress, or which will aid in effecting coordination of planning between private and public welfare agencies, or which will help improve the administration and effectiveness of programs carried on or assisted under the federal Social Security Act and the programs related thereto;

(12) To provide appropriate public welfare services to promote, safeguard and protect the social well-being and general welfare of children and to help maintain and strengthen family life, and to provide such public welfare services to aid needy persons who can be so helped to become self-supporting or capable of self-care;

(13) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof;

(14) To make periodic surveys of cost-of-living factors in relation to the needs of recipients of public assistance, and establish standards or budgetary guides for determining minimum costs of meeting such requirements, and amend such standards from time to time as circumstances may require;

(15) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof.

2. All powers and duties of the family support division shall, so far as applicable, apply to the administration of any other law or state law wherein duties are imposed upon the family support division acting as a state agency.

207.030. DIRECTOR OF DIVISIONS—OATH—BOND—REMOVAL FROM OFFICE.— The [chief administrative officer of the division of family services shall be a director of family services, who shall be a person] **directors of the family support division and children's division shall be persons** qualified by education and experience to supervise the work of [the division of family services] **such divisions** and shall be [a citizen and taxpayer] **citizens and taxpayers** of Missouri. Before entering upon his **or her** duties [the] , **each** director shall subscribe an oath or affirmation to support the Constitution of the United States and of the state of Missouri and to faithfully demean himself **or herself** in office. [He] **Each director** shall enter into good and sufficient bond, payable to the state of Missouri, conditioned upon the faithful discharge and performance of official duties, and upon accountability for all property and funds coming under [his] **such director's** administration and control, said bond to be approved by the attorney general as to form, and by the governor as to its sufficiency, the premium on said bond to be paid by the state. The governor may remove the director of the **children's division** [of family services] **and the director of the family support division** for incompetence, misconduct, or neglect of duty.

207.070. DEPARTMENT MAY ELECT TO BRING EMPLOYEES UNDER WORKERS' COMPENSATION—WHO DEEMED EMPLOYEE—RULES.— 1. The [division of family services in the] department of social services is hereby authorized to elect, under the provisions of section 287.030, to come under the provisions of chapter 287, governing workers' compensation, and such law is hereby extended to include all employees of the [division of family services] **department** under any contract of hire, express or implied, oral or written, or under any appointment or election. The state of Missouri shall be a self-insurer and assume all liability imposed by chapter 287, in respect to the [division of family services] **department** employees without insurance. The attorney general shall appear on behalf of and defend the state in all actions, when the state is a self-insurer, brought by employees of the [division of family services] **department** referred to herein under the provisions of the workers' compensation law.

2. Any persons assigned to perform work on welfare work projects initiated or sponsored by any state agency in carrying out a cooperative agreement with the United States government under the Federal Economic Opportunity Act of 1964, or any amendment thereto, shall be deemed to be employees of the [division of family] **department of social** services only for the purpose of affording such employees workers' compensation coverage under chapter 287. The workers' compensation coverage may be provided by the purchase of insurance or by the deposit in the commissioner of administration's office of a fund from which workers' compensation benefits to such employees shall be paid. Purchase of the insurance or the deposit of a fund shall be made only from funds granted by the federal government.

3. The [division of family] **department of social** services shall adopt rules classifying the employees mentioned herein who may be eligible for compensation under this section, and its classification shall be decisive as to whether or not an employee falls within the definition of an employee eligible for workers' compensation coverage under this section.

4. The director of the [division of family] **department of social** services is authorized to perform such duties as may be necessary to carry out effectively the purposes of this section.

207.080. LAW NOT TO CREATE LIABILITY OR OBLIGATION. — The extension of chapter 287 to include employees of the [division of family] **department of social** services shall not be construed as acknowledging or creating any liability in tort, or as incurring other obligations or duties except only the duty and obligation of complying with the provisions of chapter 287 so long as the [division of family services] **department** may elect to remain under the provisions of chapter 287.

208.015. PERSONS NOT ELIGIBLE FOR GENERAL RELIEF — EXCEPTION — SPECIFIED RELATIVE, DEFINED — UNEMPLOYABLE PERSONS — RELIEF LIMITATION. — 1. The **family support** division [of family services] shall grant general relief benefits to those persons determined to be eligible under this chapter and the applicable rules of the division. The director may adopt such additional requirements for eligibility for general relief, not inconsistent with this chapter, which [he] **the director** deems appropriate.

2. General relief shall not be granted to any person:

(1) Who has been approved for federal supplemental security income and was not on the general relief rolls in December, 1973; or

(2) Who is a recipient of:

(a) Aid to families with dependent children benefits;

(b) Aid to the blind benefits;

(c) Blind pension benefits; or

(d) Supplemental aid to the blind benefits.

3. A person shall not be considered unemployable, under this section, if unemployability is due to school attendance.

4. Persons receiving general relief in December, 1973, and who qualify for supplemental security income shall continue to receive a general relief grant if necessary to prevent a reduction in the total cash income received by such person in December, 1973, which general relief grant shall not exceed the amount of general relief provided by law.

5. In providing benefits to persons applying for or receiving general relief, benefits shall not be provided to any member of a household if the claimant is employable as defined by rule of the **family support** division [of family services]; or if certain specified relatives living in the household of the claimant are employed and have income sufficient to support themselves and their legal dependents and to meet the needs of the claimant as defined by rule of the division. "Specified relatives" shall be defined as the spouse, mother, father, sister, brother, son, daughter, and grandparents of the claimant, as well as the spouses of these relatives, if living in the home.

6. General relief paid to an unemployable person shall not exceed one hundred dollars a month.

208.030. SUPPLEMENTAL WELFARE ASSISTANCE, ELIGIBILITY FOR — AMOUNT, HOW DETERMINED — REDUCTION OF SUPPLEMENTAL PAYMENT PROHIBITED, WHEN. — 1. The **family support** division [of family services] shall make monthly payments to each person who was a recipient of old age assistance, aid to the permanently and totally disabled, and aid to the blind and who:

(1) Received such assistance payments from the state of Missouri for the month of December, 1973, to which they were legally entitled; and

(2) Is a resident of Missouri.

2. The amount of supplemental payment made to persons who meet the eligibility requirements for and receive federal supplemental security income payments shall be in an amount, as established by rule and regulation of the **family support** division [of family services], sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payments, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. As long as the recipient continues to receive a supplemental security income payment, the supplemental payment shall not be reduced. The minimum supplemental payment for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be in an amount which, when added to the federal supplemental security income payment, equals the amount of the blind pension grant as provided for in chapter 209.

3. The amount of supplemental payment made to persons who do not meet the eligibility requirements for federal supplemental security income benefits, but who do meet the December, 1973, eligibility standards for old age assistance, permanent and total disability and aid to the blind or less restrictive requirements as established by rule or regulation of the **family support** division [of family services], shall be in an amount established by rule and regulation of the **family support** division [of family services] sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payment, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any other benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. The minimum supplemental payments for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be a blind pension payment as prescribed in chapter 209.

4. The **family support** division [of family services] shall make monthly payments to persons meeting the eligibility standards for the aid to the blind program in effect December 31, 1973, who are bona fide residents of the state of Missouri. The payment shall be in the amount prescribed in subsection 1 of section 209.040, less any federal supplemental security income payment.

5. The **family support** division [of family services] shall make monthly payments to persons age twenty-one or over who meet the eligibility requirements in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the **family support** division [of family services], who were receiving old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance lawfully, who are not eligible for nursing home care under the Title XIX program, and who reside in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri and whose total cash income is not sufficient to pay the amount charged by the facility; and to all applicants age twenty-one or over who are not eligible for nursing home care under the Title XIX program who are residing in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri, who make application after December 31, 1973, provided they meet the eligibility standards for old age assistance, permanent and total disability

assistance, general relief assistance, or aid to the blind assistance in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the **family support** division [of family services], who are bona fide residents of the state of Missouri, and whose total cash income is not sufficient to pay the amount charged by the facility. Until July 1, 1983, the amount of the total state payment for home care in licensed residential care facilities shall not exceed one hundred twenty dollars monthly, for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred dollars monthly, and for care in licensed assisted living facilities shall not exceed two hundred twenty-five dollars monthly. Beginning July 1, 1983, for fiscal year 1983-1984 and each year thereafter, the amount of the total state payment for home care in licensed residential care facilities shall not exceed one hundred fifty-six dollars monthly, for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred ninety dollars monthly, and for care in licensed assisted living facilities shall not exceed two hundred ninety-two dollars and fifty cents monthly. No intermediate care or skilled nursing payment shall be made to a person residing in a licensed intermediate care facility or in a licensed skilled nursing facility unless such person has been determined, by his **or her** own physician or doctor, to medically need such services subject to review and approval by the department. Residential care payments may be made to persons residing in licensed intermediate care facilities or licensed skilled nursing facilities. Any person eligible to receive a monthly payment pursuant to this subsection shall receive an additional monthly payment equal to the Medicaid vendor nursing facility personal needs allowance. The exact amount of the additional payment shall be determined by rule of the department. This additional payment shall not be used to pay for any supplies or services, or for any other items that would have been paid for by the **family support** division [of family services] if that person would have been receiving medical assistance benefits under Title XIX of the federal Social Security Act for nursing home services pursuant to the provisions of section 208.159. Notwithstanding the previous part of this subsection, the person eligible shall not receive this additional payment if such eligible person is receiving funds for personal expenses from some other state or federal program.

208.041. CHILDREN OF UNEMPLOYED PARENT ELIGIBLE FOR AID TO DEPENDENT CHILDREN — UNEMPLOYMENT BENEFITS CONSIDERED UNEARNED INCOME. — 1. Notwithstanding the provisions of subdivision (2) of section 208.050, the provisions of section 208.040 shall also apply to a needy child who has been deprived of parental support or care by reason of the unemployment of a parent as such term "unemployment" is defined and determined by the **family support** division [of family services pursuant to] **under** applicable federal law and regulations. The unemployed parent, for whose child or children benefits may be received, is eligible for payments and under this section must:

(1) Be physically present in Missouri, living in the home with the child or children, actively seeking employment, and complying with requirements made by the **family support** division [of family services pursuant to] **under** applicable state and federal requirements for registration with the United States Secretary of Labor or his **or her** representative regarding employment, training, work incentive and special work projects;

(2) Have been unemployed for at least thirty days prior to receiving benefits under this section and must apply for and receive any unemployment benefits to which he or she is entitled, such benefits to be considered as unearned income in determining eligibility for aid to families with dependent children;

(3) Not have refused without good cause, within such thirty-day period prior to the receipt of such aid, any bona fide offer of employment which he or she is physically able to perform and otherwise qualified to engage in;

(4) Not have refused, without good cause, vocational rehabilitation, education, training, work incentive or special work projects offered;

(5) (a) Have six or more quarters of work within any thirteen-calendar-quarter period ending within one year prior to the application for such aid or have received or have been qualified to receive unemployment compensation within such one-year period;

(b) A "quarter of work" with respect to any individual shall mean a period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first in which he or she received earned income of not less than fifty dollars or in which he or she participated in a community work and training program or the work incentive program;

(c) An individual shall be deemed "qualified" for unemployment compensation under the state's unemployment compensation law if he or she would have been eligible to receive such benefits upon filing application, or he or she performed work not covered by such law which, if it has been covered, would, together with any covered work he or she performed, have made him or her eligible to receive such benefits upon filing application; and

(6) Be the natural or adoptive parent of the child or children or legally responsible for the support of the child or children.

2. The **family support** division [of family services] shall enter into a cooperative agreement with the state department of elementary and secondary education and the coordinating board for higher education for use of public vocational rehabilitation and education services and facilities in respect to the unemployed parent to the end that those capable of assimilating and utilizing the same may be trained or retrained.

3. The **family support** division [of family services] shall enter into an agreement with the division of employment security for registration and reregistration of unemployed parents, and shall refer them to the United States Secretary of Labor or his **or her** representative, within thirty days of receiving assistance, for the purpose of providing employment, training, work incentive and special work projects for all eligible unemployed parents as provided in section 208.042.

4. Payments shall be prorated within the limits of the appropriations, and shall not exceed the amount of the appropriations made therefor.

5. This section shall not become effective until June 16, 1983.

208.042. RECIPIENTS OF AID TO DEPENDENT CHILDREN TO PARTICIPATE IN TRAINING OR WORK PROJECTS — EXCEPTIONS — REFUSAL TO PARTICIPATE, EFFECT OF — STANDARDS — CHILD DAY CARE SERVICES AUTHORIZED. — 1. In households containing recipients of aid to families with dependent children benefits, each appropriate child, relative or other eligible individual sixteen years of age or over shall be referred by the **family support** division [of family services] to the United States Secretary of Labor or his **or her** representative for participation in employment, training, work incentive or special work projects when established and operated by the secretary, to afford such individuals opportunities to work in the regular economy and to attain independence through gainful employment.

2. The **family support** division [of family services], pursuant to applicable federal law and regulations, shall determine the standards and procedures for the referral of individuals for employment, training, work incentive and special work projects, which shall not be refused by such individuals without good cause; but no recipient or other eligible individual in the household shall be required to participate in such work programs if the person is

(1) Ill, incapacitated, or of advanced age;

(2) So remote from the location of any work or training project or program that he **or she** cannot effectively participate;

(3) A child attending school full time;

(4) A person whose presence in the household on a substantially continuous basis is required because of illness or incapacity of another member of the household.

3. The **family support** division [of family services] shall pay to the United States Secretary of Labor or his **or her** representative up to twenty percent of the total cost, in cash or in kind, of the work incentive programs operated for the benefit of the eligible persons referred by the

family support division [of family services]; and the **family support** division [of family services] shall pay an amount to the secretary for eligible persons referred to and participating in special work projects not to exceed the maximum monthly payments authorized under sections 208.041 and 208.150 for recipients of public assistance benefits. An allowance in addition to the maximum fixed by section 208.150 may also be made by the **family support** division [of family services] for the reasonable expenses of any needy child or needy eligible relative which are attributable to his **or her** participating in a work training or work incentive program.

4. If an eligible child or relative refuses without good cause to participate in any work training or work incentive program to which he **or she** has been referred, payment to or on behalf of the child or relative may be continued for not more than sixty days thereafter, but in such cases payments shall be made pursuant to subsection 2 of section 208.180. If a relative has refused to so participate, payments on behalf of the eligible children cared for by the relative shall be made pursuant to subsection 2 of section 208.180.

5. The **family support** division [of family services] is authorized to expend funds to provide child day care services, when appropriate, for the care of children required by the absence of adult persons from the household due to referral and participation in employment, training, work incentive programs or special work projects.

208.047. AID TO DEPENDENT CHILDREN IN FOSTER HOMES OR CHILD-CARE INSTITUTIONS, GRANTED, WHEN — MAXIMUM BENEFITS. — 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits may be granted to a dependent child:

(1) Who would meet the requirements of section 208.040, except for his **or her** removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

(2) For whose placement and care the **children's** division [of family services] is responsible;

(3) Who has been placed in a foster family home or nonprofit private child-care institution as a result of such determination; and

(4) Who (a) received aid to dependent children benefits in and for the month in which court proceedings leading to such determination were initiated; or (b) would have received aid in or for that month if application had been made therefor; or (c) in the case of a child who had been living with a relative specified in section 208.040 within six months prior to the month in which such proceedings were initiated, would have received aid in and for such month, if in such month he **or she** had been living with, and removed from the home of, such a relative and application had been made therefor.

2. Monthly aid to dependent children benefits on behalf of a child placed in a foster family home or nonprofit private child-care institution shall not exceed one hundred dollars for each child and in the event that federal aid to states for dependent children placed in a nonprofit private child-care institution is withdrawn, benefit payments under this section shall be terminated on behalf of a dependent child in a nonprofit private child-care institution.

208.050. AID TO DEPENDENT CHILDREN DENIED, WHEN. — Aid to families with dependent children benefits shall not be granted or continued:

(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;

(2) To any person when benefits are claimed by reason of his **or her** physical or mental incapacity, and such person refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his **or her** capacity to support himself **or herself** and his **or her** dependents, and it is certified by competent medical authority designated by the **family support** division [of family services] that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the

family support division [of family services] may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he **or she** endangers the health of others in his **or her** refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;

(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need applicable to the family:

(a) Such amount of income shall be considered income to the individual in the month received, and the household of which such person is a member shall be ineligible for the whole number of months that equals the sum of such amount and all other income received in such month, not excluded or disregarded by the division, divided by the standard of need applicable to the family;

(b) Any income remaining shall be treated as income received in the first month following the period of ineligibility specified in paragraph (a);

(c) For the purposes of this subdivision, where consistent with federal law or regulation, "income" shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member.

208.060. APPLICATIONS FOR BENEFITS, HOW AND WHERE FILED. — Application for any benefits under any law of this state administered by the **family support** division [of family services] acting as a state agency shall be filed in the county office. Application for aid to dependent children shall be made by the person with whom the child will live while receiving aid. All applications shall be in writing, or reduced to writing, upon blank forms furnished by the **family support** division [of family services], and shall contain such information as may be required by the **family support** division [of family services] or by any federal authority under the Social Security law and amendments thereto. The term "benefits" as used herein or in this law shall be construed to mean:

- (1) Aid to dependent children;
- (2) Aid or public relief to individuals in cases of public calamity;
- (3) Money or services available for child welfare services;
- (4) Any other grant, aid, pension or assistance administered by the **family support** division [of family services].

208.070. APPLICATIONS MAY BE MADE AT COUNTY OFFICE AND SHALL BE INVESTIGATED — DECISION — NOTICE TO APPLICANT. — 1. The department shall permit any individual who wants to apply for assistance pursuant to the temporary assistance or any other public assistance program administered or supervised by the department to so apply. Such public assistance shall be furnished with reasonable promptness in accordance with statute and rules of the department.

2. A request for assistance may be made at a county office of the **family support** division [of family services] in person, by telephone or by mail.

3. Whenever the division receives a request for assistance an investigation and record shall be promptly made of the circumstances of the applicant by the division in order to ascertain the facts supporting the application. Upon the completion of such investigation the director of the **family support** division [of family services], or someone designated by the director, shall decide whether the applicant is eligible for benefits and if entitled to benefits determine the amount thereof and the date on which such benefits shall begin. The division shall notify the applicant of the decision.

4. During the investigation of any application or recertification of assistance, the division shall:

(1) At the time of each application, provide each applicant household with a clear written statement explaining what acts the member of the household shall perform to cooperate in verifying and otherwise completing the application process;

(2) Assist each applicant household in obtaining appropriate verification and completing the application process;

(3) Not require any household to submit additional proof of a matter on which the division already has current verification, unless the division has reason to believe that such information is inaccurate, incomplete or insufficient; and

(4) Not deny any application for assistance solely because of the failure of a person outside the household to cooperate in providing information.

5. The division shall complete the investigation within the time allowed by federal law or state statute. If no time limit is otherwise specified by federal law or state statute, benefits shall be provided not later than forty-five days following the filing of an application.

6. The division shall explain to the applicant the nature of all categories of public assistance, benefits and services for which the applicant household may be eligible and may be given, and the consequences of accepting temporary assistance benefits, including, but not limited to, lifetime limits and work requirements. If the applicant chooses not to receive temporary assistance benefits, the division shall evaluate the applicant's eligibility for medical assistance, food stamps and any other public assistance benefits which the applicant or the applicant's dependents may be eligible.

208.072. APPLICATION FOR MEDICAL ASSISTANCE, APPROVAL OR DENIAL, WHEN — MEDICAID PAYMENTS TO LONG-TERM CARE FACILITIES, WHEN. — 1. A completed application for medical assistance for services described in section 208.152 shall be approved or denied within thirty days from submission to the **family support** division [of family services] or its successor.

2. The **MO HealthNet** division [of medical services] shall remit to a licensed nursing home operator the Medicaid payment for a newly admitted Medicaid resident in a licensed long-term care facility within forty-five days of the resident's date of admission.

208.075. MENTAL OR PHYSICAL EXAMINATION MAY BE REQUIRED — EVIDENCE ADMISSIBLE AT APPEAL HEARING. — 1. When an application is made for aid to dependent children or aid to the permanently and totally disabled benefits because of the physical or mental condition of a person the **family support** division [of family services] shall require the person to be examined by competent medical or other appropriate authority designated by the **family support** division [of family services]. If benefits are paid because of the physical or mental condition of a person the **family support** division [of family services] may, as often as it deems necessary, require such person to be reexamined by competent medical or other appropriate authority designated by the **family support** division [of family services]. Written reports of examinations and reexaminations shall be required and evaluated by the **family support** division [of family services] in determining eligibility to receive benefits or to continue to receive benefits.

2. In any appeal hearing as provided for by section 208.080 and the question at issue involves the physical or mental incapacity of a person, regardless of whether assistance has been denied or a recipient has been removed from the assistance rolls, the written reports of the examination or reexamination made by competent medical or other appropriate authority designated by the **family support** division [of family services], and any written medical reports by other physicians or clinics submitted by claimant, are hereby declared to be competent evidence and admissible as such at the appeal hearing to be considered by the director with any other evidence submitted. Any written medical report purporting to be executed and signed by the medical or other appropriate authority, its agents, or employees shall be prima facie evidence of it being properly executed and signed without further proof of identification.

208.080. APPEAL TO DIRECTOR OF THE RESPECTIVE DIVISION, WHEN — PROCEDURE.

— 1. Any applicant for or recipient of benefits or services provided by law by the [division of family services] **family support division, children's division, or MO HealthNet division** may appeal to the director of the **respective** division [of family services] from a decision [of a county office of the division of family services] in any of the following cases:

- (1) If his **or her** right to make application for any such benefits or services is denied; or
- (2) If his **or her** application is disallowed in whole or in part, or is not acted upon within a reasonable time after it is filed; or
- (3) If it is proposed to cancel or modify benefits or services; or
- (4) If he **or she** is adversely affected by any determination of [a county office of the division of family services] **the family support division, children's division, or MO HealthNet division** in [its] **the** administration of the programs administered by [it] **such divisions; or**
- (5) If a determination is made pursuant to subsection 2 of section 208.180 that payment of benefits on behalf of a dependent child shall not be made to the relative with whom he **or she** lives.

2. If [the] **a** division proposes to terminate or modify the payment of benefits or the providing of services to the recipient or [the] **a** division has terminated or modified the payment of benefits or providing of services to the recipient and the recipient appeals, the decision of the director as to the eligibility of the recipient at the time such action was proposed or taken shall be based on the facts shown by the evidence presented at the hearing of the appeal to have existed at the time such action to terminate or modify was proposed or was taken.

3. In the case of a proposed action by the [county office of the division of family services] **family support division, children's division, or MO HealthNet division** to reduce, modify, or discontinue benefits or services to a recipient, the recipient of such benefits or services shall have ten days from the date of the mailing of notice of the proposed action to reduce, modify, or discontinue benefits or services within which to request an appeal to the director of the division [of family services]. In the notice to the recipient of such proposed action, the [county office of the division of family services] **appropriate division** shall notify the recipient of all his **or her** rights of appeal under this section. Proper blank forms for appeal to the director of the division [of family services] shall be furnished by the [county office] **the appropriate division** to any aggrieved recipient. Every such appeal to the director of the division [of family services] shall be transmitted by the [county office to the director of the division of family services] **appropriate division** immediately upon the same being filed with the [county office] **appropriate division**. If an appeal is requested, benefits or services shall continue undiminished or unchanged until such appeal is heard and a decision has been rendered thereon, except that in an aid to families with dependent children case the recipient may request that benefits or services not be continued undiminished or unchanged during the appeal.

4. When a case has been closed or modified and no appeal was requested prior to closing or modification, the recipient shall have ninety days from the date of closing or modification to request an appeal to the director of the division [of family services]. Each recipient who has not requested an appeal prior to the closing or modification of his **or her** case shall be notified at the time of such closing or modification of his **or her** right to request an appeal during this ninety-day period. Proper blank forms for requesting an appeal to the director of the division [of family services] shall be furnished by the [county office] **appropriate division** to any aggrieved applicant. Every such request made in any manner for an appeal to the director of the division [of family services] shall be transmitted by the [county office] **appropriate division** to the director of the division [of family services] immediately upon the same being filed with the [county office] **appropriate division**. If an appeal is requested in the ninety-day period subsequent to the closing or modification, benefits or services shall not be continued at their prior level during the pendency of the appeal.

5. In the case of a rejection of an application for benefits or services, the aggrieved applicant shall have ninety days from the date of the notice of the action in which to request an appeal to the director of the division [of family services]. In the rejection notice the applicant for benefits or services shall be notified of all of his **or her** rights of appeal under this section. Proper blank forms for requesting an appeal to the director of the division [of family services] shall be furnished by the [county office] **appropriate division** to any aggrieved applicant. Any such request made in any manner for an appeal shall be transmitted by the [county office] **appropriate division** to the director of the division [of family services], immediately upon the same being filed with the [county office] **appropriate division**.

6. If the division has rejected an application for benefits or services and the applicant appeals, the decision of the director as to the eligibility of the applicant at the time such rejection was made shall be based upon the facts shown by the evidence presented at the hearing of the appeal to have existed at the time the rejection was made.

7. The director of the division [of family services] shall give the applicant for benefits or services or the recipient of benefits or services reasonable notice of, and an opportunity for, a fair hearing in the county of his **or her** residence at the time the adverse action was taken. The hearing shall be conducted by the director of the division [of family services or his] **or such director's** designee. Every applicant or recipient, on appeal to the director of the division [of family services], shall be entitled to be present at the hearing, in person and by attorney or representative, and shall be entitled to introduce into the record of such hearing any and all evidence, by witnesses or otherwise, pertinent to such applicant's or recipient's eligibility between the time he **or she** applied for benefits or services and the time the application was denied or the benefits or services were terminated or modified, and all such evidence shall be taken down, preserved, and shall become a part of the applicant's or recipient's appeal record. Upon the record so made, the director of the division [of family services] shall determine all questions presented by the appeal, and shall make such decision as to the granting of benefits or services as in his **or her** opinion is justified and is in conformity with the provisions of the law. The director shall clearly state the reasons for his **or her** decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

8. All appeal requests may initially be made orally or in any written form, but all such requests shall be transcribed on forms furnished by the division [of family services] and signed by the aggrieved applicant or recipient or his **or her** representative prior to the commencement of the hearing.

208.100. APPEAL TO CIRCUIT COURT — PROCEDURE. — 1. Any claimant aggrieved by the decision of the director of the [division of family services] **family support division, children's division, or MO HealthNet division** made under section 208.080 may appeal to the circuit court of the county in which such claimant resides within ninety days from the date of the action and decision appealed from.

2. The **appropriate** division shall furnish the claimant, upon request, with proper form of affidavit for appeal from the director of the **appropriate** division [of family services] to the circuit court.

3. Upon the affidavit for appeal, duly executed by the claimant before an officer authorized to administer oaths, being filed with the **appropriate** division within ninety days from the date of the decision of the director of the **appropriate** division [of family services] the entire record preserved in the case at the time of the claimant's hearing, together with the hearing decision and the affidavit for appeal, shall be certified by the director of the **appropriate** division [of family services] to the circuit court and the case shall be docketed as other civil cases except that neither party shall be required to give bond or deposit any money for docket fee on appeal to the circuit court.

4. Such appeal shall be tried in the circuit court upon the record of the proceedings had before and certified by the director of the **appropriate** division [of family services], which shall in such case be certified and included in the return of said director to the court.

5. Upon the record so certified by the director of the **appropriate** division [of family services], the circuit court shall review the action and decision of the director in accordance with the provisions of section 536.140; and the court shall render judgment affirming, reversing, or modifying the director's decision, and may order the reconsideration of the case in the light of the court's opinion and judgment, and may order the director to take such further action as it may be proper to require.

208.120. RECORDS, WHEN EVIDENCE, RESTRICTIONS ON DISCLOSURE —PENALTY. —

1. For the protection of applicants and recipients, all officers and employees of the state of Missouri are prohibited, except as hereinafter provided, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of benefits or the contents of any records, files, papers, and communications, except in proceedings or investigations where the eligibility of an applicant to receive benefits, or the amount received or to be received by any recipient, is called into question, or for the purposes directly connected with the administration of public assistance. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence.

2. The **family support** division [of family services] shall in each county welfare office maintain monthly a report showing the name and address of all recipients certified by such county welfare office to receive public assistance benefits, together with the amount paid to each recipient during the preceding month, and each such report and information contained therein shall be open to public inspection at all times during the regular office hours of the county welfare office; provided, however, that all information regarding applicants or recipients other than names, addresses and amounts of grants shall be considered as confidential.

3. It shall be unlawful for any person, association, firm, corporation or other agency to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of any name or lists of names for commercial or political purposes of any nature; or for any name or list of names of recipients secured from such report in the county welfare office to be published in any manner. Anyone willfully or knowingly violating any provisions of this section shall be guilty of a misdemeanor. If the violation is by other than an individual, the penalty may be adjudged against any officer, agent, employee, servant or other person of the association, firm, corporation or other agency who committed or participated in such violation and is found guilty thereof.

208.125. RECORDS MAY BE DESTROYED, WHEN. — The director of the **family support** division [of family services] is authorized to destroy all applications and records compiled by the **family support** division [of family services] in connection with the investigation and payment of public assistance or blind pensions after five years have elapsed since the closing of a case or the rejection of an application.

208.130. BENEFITS GRANTED MAY BE RECONSIDERED. — All benefits granted may be reconsidered by the director of [family services] **the department of social services or the appropriate division** as frequently as he **or she** may deem necessary. After such further investigation the amount of a benefit may be changed or entirely withdrawn.

208.145. MEDICAL ASSISTANCE BENEFITS, ELIGIBILITY BASED ON RECEIPT OF AFDC BENEFITS, WHEN. — For the purposes of the application of section 208.151, individuals shall be

deemed to be recipients of aid to families with dependent children and individuals shall be deemed eligible for such assistance if:

(1) The individual meets eligibility requirements which are no more restrictive than the July 16, 1996, eligibility requirements for aid to families with dependent children, as established by the **family support** division [of family services]; or

(2) Each dependent child, and each relative with whom such a child is living including the spouse of such relative as described in 42 U.S.C. 606(b), as in effect on July 16, 1996, who ceases to meet the eligibility criteria set forth in subdivision (1) of this section as a result of the collection or increased collection of child or spousal support under part IV-D of the Social Security Act, 42 U.S.C. 651 et seq., and who has received such aid in at least three of the six months immediately preceding the month in which ineligibility begins, shall be deemed eligible for an additional four calendar months beginning with the month in which such ineligibility begins.

208.150. MONTHLY BENEFITS, HOW DETERMINED. — The maximum amount of monthly public assistance money payment benefits payable to or on behalf of a needy person shall not exceed the following:

(1) Aid to families with a dependent child, or children, and needy eligible relatives caring for a dependent child, or children, in an amount to be computed as follows:

(a) Beginning July 1, 1993, and at least every three years thereafter, the **family support** division [of family services] shall determine by regulation the average need for each such eligible person, which shall include the cost of basic needs required to maintain a child or children in the home at a reasonable and decent low-income standard of living, and shall pay, on a uniform basis, the highest percent of such need as shall be possible within the limits of funds appropriated for that purpose, less available income;

(b) "Available income" means the total income, before taxes or other deductions, of each person residing within the same household, except, to the extent allowed by federal law, the earnings of a student under nineteen years of age enrolled in a secondary school or at the equivalent level of vocational or technical training, plus or minus such credits or deductions as may be prescribed by the **family support** division [of family services] by regulations for the sole purpose of complying with federal laws or regulations relating to this state's eligibility to receive federal funds for aid to families with dependent children payments, and such credits or deductions as may otherwise be prescribed by law;

(c) The available income shall be subtracted from the total amount which otherwise would be paid;

(d) If the determined need under this subdivision is of an amount less than ten dollars, no cash payment will be made;

(2) Aid or public relief to an unemployable person not to exceed one hundred dollars.

208.152. MEDICAL SERVICES FOR WHICH PAYMENT WILL BE MADE — CO-PAYMENTS MAY BE REQUIRED — REIMBURSEMENT FOR SERVICES. — 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through

its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in [his] **the physician's** professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his **or her** physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if [her] **he** or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established,

implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(17) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and

inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the **MO HealthNet** division [of medical services], unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this [subsection] **subdivision**, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical

symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the Missouri MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

208.154. INSUFFICIENT FUNDS, BENEFITS TO BE PAID PRO RATA. — If the funds at the disposal or which may be obtained by the [division of family] **department of social** services for the payment of public assistance money payment benefits or to or on behalf of any person for medical assistance benefits shall at any time become insufficient to pay the full amount thereof, the amount of any type of payment to or on behalf of each of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.

208.157. DISCRIMINATION PROHIBITED — PAYMENT REFUSED TO PROVIDER OF MEDICAL ASSISTANCE WHO DISCRIMINATES BECAUSE OF RACE, COLOR OR NATIONAL ORIGIN. — The [division of family] **department of social** services shall comply with the provisions of Title VI, Public Law 88-352, The Civil Rights Act of 1964, and shall not in any manner deny any aid, care, services or other benefits to nor discriminate against any person on the ground of race, color or national origin; and no payment shall be made on behalf of any eligible needy person to any provider of medical assistance, care or services who refuses to comply with the Act, or who engages in any practices contrary thereto.

208.168. BENEFIT PAYMENTS FOR ADULT DAY CARE, INTERMEDIATE CARE FACILITIES, AND SKILLED NURSING HOMES — AMOUNT PAID, HOW DETERMINED — EFFECTIVE WHEN. — 1. Beginning July 1, 1983, in addition to those benefit payments for medical assistance for

eligible needy persons authorized under the provisions of section 208.152, benefit payments for medical assistance may be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part for adult day care and treatment to those persons who would require placement in an intermediate care facility or skilled nursing home as the latter two terms are defined by section 198.006.

2. Payments under this section shall be made on the basis of the reasonable cost of the care as reasonable cost of the services is defined and determined by the **MO HealthNet** division [of family services].

208.175. DRUG UTILIZATION REVIEW BOARD ESTABLISHED, MEMBERS, TERMS, COMPENSATION, DUTIES. — 1. The "Drug Utilization Review Board" is hereby established within the MO HealthNet division and shall be composed of the following health care professionals who shall be appointed by the governor and whose appointment shall be subject to the advice and consent of the senate:

- (1) Six physicians who shall include:
 - (a) Three physicians who hold the doctor of medicine degree and are active in medical practice;
 - (b) Two physicians who hold the doctor of osteopathy degree and are active in medical practice; and
 - (c) One physician who holds the doctor of medicine or the doctor of osteopathy degree and is active in the practice of psychiatry;
- (2) Six actively practicing pharmacists who shall include:
 - (a) Three pharmacists who hold bachelor of science degrees in pharmacy and are active as retail or patient care pharmacists;
 - (b) Two pharmacists who hold advanced clinical degrees in pharmacy and are active in the practice of pharmaceutical therapy and clinical pharmaceutical management; and
 - (c) One pharmacist who holds either a bachelor of science degree in pharmacy or an advanced clinical degree in pharmacy and is employed by a pharmaceutical manufacturer of Medicaid-approved formulary drugs; and
- (3) One certified medical quality assurance registered nurse with an advanced degree.

2. The membership of the drug utilization review board shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

- (1) The clinically appropriate prescribing of covered outpatient drugs;
- (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;
- (3) Drug use review, evaluation and intervention;
- (4) Medical quality assurance.

3. A chairperson shall be elected by the board members. The board shall meet at least once every ninety days. A quorum of eight members, including no fewer than three physicians and three pharmacists, shall be required for the board to act in its official capacity.

4. Members appointed pursuant to subsection 1 of this section shall serve four-year terms, except that of the original members, four shall be appointed for a term of two years, four shall be appointed for a term of three years and five shall be appointed for a term of four years. Members may be reappointed.

5. The members of the drug utilization review board or any regional advisory committee shall receive no compensation for their services other than reasonable expenses actually incurred in the performance of their official duties.

6. The drug utilization review board shall, either directly or through contracts between the MO HealthNet division and accredited health care educational institutions, state medical societies or state pharmacist associations or societies or other appropriate organizations, provide for educational outreach programs to educate practitioners on common drug therapy problems with the aim of improving prescribing and dispensing practices.

7. The drug utilization review board shall monitor drug usage and prescribing practices in the Medicaid program. The board shall conduct its activities in accordance with the requirements of subsection (g) of section 4401 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). The board shall publish an educational newsletter to Missouri Medicaid providers as to its considered opinion of the proper usage of the Medicaid formulary. It shall advise providers of inappropriate drug utilization when it deems it appropriate to do so.

8. The drug utilization review board may provide advice on guidelines, policies, and procedures necessary to establish and maintain the Missouri Rx plan.

9. Office space and support personnel shall be provided by the **MO HealthNet** division [of medical services].

10. Subject to appropriations made specifically for that purpose, up to six regional advisory committees to the drug utilization review board may be appointed. Members of the regional advisory committees shall be physicians and pharmacists appointed by the drug utilization review board. Each such member of a regional advisory committee shall have recognized knowledge and expertise in one or more of the following:

- (1) The clinically appropriate prescribing of covered outpatient drugs;
- (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;
- (3) Drug use review, evaluation, and intervention; or
- (4) Medical quality assurance.

208.176. DIVISION TO PROVIDE FOR PROSPECTIVE REVIEW OF DRUG THERAPY. — By December 1, 1992, the **MO HealthNet** division [of medical services] shall, either directly or through contract with a private organization, provide for a prospective review of drug therapy. The review shall include screening for potential drug therapy problems, duplication, contraindications, interactions, incorrect drug dosage, drug allergy, duration of therapy and clinical abuse or misuse.

208.180. PAYMENT OF BENEFITS, TO WHOM — DISPOSITION OF BENEFIT CHECK OF DECEASED PERSON. — 1. Payment of benefits hereunder shall be made monthly in advance, at such regular intervals as shall be determined by the **family support** division [of family services], directly to the recipient, or in the event of [his] **such recipient's** incapacity or disability, to [his] **such recipient's** legally appointed conservator, and except as provided in subsection 2, in the case of a dependent child to the relative with whom he **or she** lives; provided, that payments for the cost of authorized inpatient hospital or nursing home care in behalf of an individual may be made after the care is received either during his **or her** lifetime or after his **or her** death to the person, firm, corporation, association, institution, or agency furnishing such care, and shall be considered as the equivalent of payment to the individual to whom such care was rendered. All incapacity or disability proceedings of persons applying for or receiving benefits under this law shall be carried out without fee or other expense when in the opinion of the probate division of the circuit court the person is unable to assume such expense. At the discretion of the court such a guardian or conservator may serve without bond.

2. Payment of benefits with respect to a dependent child may be made, pursuant to regulations of the **family support** division [of family services], to an individual, other than the relative with whom he **or she** lives, who is interested in or concerned with the welfare of the child, or who is furnishing food, living accommodations or other goods, services or items to or for the dependent child, in the following cases:

- (1) Where the relative with whom the child lives has demonstrated an inability to manage funds to the extent that payments to him **or her** have not been or are not being used in the best interest of the child; or
- (2) Where the relative has refused to participate in a work or training program to which he **or she** has been referred under section 208.042.

3. Whenever any recipient shall have died after the issuance of a benefit check to him, or on or after the date upon which a benefit check was due and payable to him, and before the same is endorsed or presented for payment by the recipient, the probate division of the circuit court of the county in which the recipient resided at the time of his **or her** death shall, on the filing of an affidavit by one of the next of kin, or creditor of the deceased recipient, and upon the court being satisfied as to the correctness of such affidavit, make an order authorizing and directing such next of kin, or creditor, to endorse and collect the check, which shall be paid upon presentation with a certified copy of the order attached to the check and the proceeds of which shall be applied upon the funeral expenses and the debts of the decedent, duly approved by the probate division of the circuit court, and it shall not be necessary that an administrator be appointed for the estate of the decedent in order to collect the benefit check. No cost shall be charged in such proceedings. Such affidavit filed by one of the next of kin, or creditor, shall state the name of the deceased recipient, the date of his **or her** death, the amount and number of such benefit check, the funeral expenses and debts owed by the decedent, and whether the decedent had any estate other than the unpaid benefit check and, in the event the decedent had an estate that requires administration, the provisions of this section shall not apply and the estate of the decedent shall be administered upon in the same manner as estates of other deceased persons.

208.182. DIVISION TO ESTABLISH ELECTRONIC TRANSFER OF BENEFITS SYSTEM — DISCLOSURE OF INFORMATION PROHIBITED, PENALTY — BENEFITS AND VERIFICATION TO RESIDE IN ONE CARD. — 1. The **family support** division [of family services] shall establish pilot projects in St. Louis City and in any county with a population of six hundred thousand or more, which shall provide for a system of electronic transfer of benefits to public assistance recipients. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of his **or her** account.

2. The disclosure of any information provided to a financial institution, business or vendor by the **family support** division [of family services pursuant to] **under** this section is prohibited. Such financial institution, business or vendor may not use or sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.

3. Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.

4. The **family support** division [of family services] shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017 and chapter 536.

5. The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, aid to families with dependent children (AFDC), women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including Medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.

208.190. DIVISION TO COMPLY WITH ACTS OF CONGRESS RELATING TO SOCIAL SECURITY BENEFITS. — The **family support** division [of family services] is hereby directed to comply with the provisions of any act of Congress providing for the distribution and expenditure of funds of the United States appropriated by Congress for Social Security benefits, and to comply with any and all rules and regulations attached to or made a part of such appropriation act and not inconsistent with the constitution and laws of Missouri.

208.204. MEDICAL CARE FOR CHILDREN IN CUSTODY OF DEPARTMENT, PAYMENT — DIVISION MAY ADMINISTER FUNDS — INDIVIDUALIZED SERVICE PLANS DEVELOPED FOR CHILDREN IN STATE CUSTODY EXCLUSIVELY BASED ON NEED FOR MENTAL HEALTH SERVICES. — 1. The **MO HealthNet** division [of medical services] may administer the funds appropriated to the department of social services or any division of the department for payment of medical care provided to children in the legal custody of the department of social services or any division of the department.

2. Through judicial review or family support team meetings, the children's division shall determine which cases involve children in the system due exclusively to a need for mental health services, and identify the cases where no instance of abuse, neglect, or abandonment exists.

3. Within sixty days of a child being identified pursuant to subsection 2 of this section, an individualized service plan shall be developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services. The individualized service plan shall specifically identify which agencies are going to pay for, subject to appropriations, and provide such services, and such plan shall be submitted to the court for approval. Services shall be provided in the least restrictive, most appropriate environment that meets the needs of the child including home, community-based treatment, and supports. The child's family shall actively participate in designing the individualized service plan for the child. The department of social services shall notify the appropriate judge of the child and shall submit the individualized service plan developed for approval by the judge. The child may be returned by the judge to the custody of the child's family.

4. When the children are returned to their family's custody and become the service responsibility of the department of mental health, the appropriate moneys to provide for the care of each child in each particular situation shall be billed to the department of social services by the department of mental health pursuant to a comprehensive financing plan jointly developed by the two departments.

208.210. UNDECLARED INCOME OR PROPERTY — BENEFITS MAY BE RECOVERED BY DIVISION, WHEN. — 1. If at any time during the continuance of public assistance to any person, the recipient thereof, or the husband or wife of the recipient with whom he **or she** is living, is possessed or becomes possessed of any property or income in excess of the amount declared at the time of application or reinvestigation of his **or her** case and in such amount as would affect his **or her** needs or right to receive benefits, it shall be the duty of the recipient, or the husband or the wife of the recipient, to notify the [county welfare office] **family support division** of the receipt or possession of such property or income, and the **family support** division [of family services] may, after investigation, either cancel the benefits or alter the amount thereof in accordance with the circumstances.

2. Any benefits paid when the recipient or [his] **the recipient's** spouse is in possession of such undeclared property or income shall be recoverable by the [division of family] **department of social** services as a debt due to the state. If during the life, or upon the death, of any person who is receiving or has received benefits, it is found that the recipient or [his] **the recipient's** spouse was possessed of any property or income in excess of the amount reported that would affect his **or her** needs or right to receive benefits, or if it be shown such benefits were obtained through misrepresentation, nondisclosure of material facts, or through mistake of fact, the amount of benefits, without interest, may be recovered from him **or her** or his **or her** estate by the [division of family] **department of social** services as a debt due the state.

3. The possession of undeclared property by a recipient or [his] **a recipient's** spouse with whom [he] **the recipient** is living shall be prima facie evidence of its ownership during the time benefits were granted, and the burden to prove otherwise shall be upon the recipient or [his] **the recipient's** legal representative.

4. The federal government shall be entitled to share in any amount collected under the provisions of this section, however, not to exceed the amount contributed by the federal government in each case. The amount due the United States shall be promptly paid or credited upon collection to the designated agency of the federal government by the [division of family] **department of social services**.

208.217. DEPARTMENT MAY OBTAIN MEDICAL INSURANCE INFORMATION — FAILURE TO PROVIDE INFORMATION, ATTORNEY GENERAL TO BRING ACTION, PENALTY — CONFIDENTIAL INFORMATION, PENALTY FOR DISCLOSURE — DEFINITIONS. — 1. As used in this section, the following terms mean:

(1) "Data match", a method of comparing the department's information with that of another entity and identifying those records which appear in both files. This process is accomplished by a computerized comparison by which both the department and the entity utilize a computer readable electronic media format;

(2) "Department", the Missouri department of social services [or any division thereof];

(3) "Entity":

(a) Any insurance company as defined in chapter 375 or any public organization or agency transacting or doing the business of insurance; or

(b) Any health service corporation or health maintenance organization as defined in chapter 354 or any other provider of health services as defined in chapter 354;

(c) Any self-insured organization or business providing health services as defined in chapter 354; or

(d) Any third-party administrator (TPA), administrative services organization (ASO), or pharmacy benefit manager (PBM) transacting or doing business in Missouri or administering or processing claims or benefits, or both, for residents of Missouri;

(4) "Individual", any applicant or present or former participant receiving public assistance benefits under sections 208.151 to 208.159 [and section 208.162];

(5) "Insurance", any agreement, contract, policy plan or writing entered into voluntarily or by court or administrative order providing for the payment of medical services or for the provision of medical care to or on behalf of an individual;

(6) "Request", any inquiry by the **MO HealthNet** division [of medical services] for the purpose of determining the existence of insurance where the department may have expended MO HealthNet benefits.

2. The department may enter into a contract with any entity, and the entity shall, upon request of the department of social services, inform the department of any records or information pertaining to the insurance of any individual.

3. The information which is required to be provided by the entity regarding an individual is limited to those insurance benefits that could have been claimed and paid by an insurance policy agreement or plan with respect to medical services or items which are otherwise covered under the MO HealthNet program.

4. A request for a data match made by the department pursuant to this section shall include sufficient information to identify each person named in the request in a form that is compatible with the record-keeping methods of the entity. Requests for information shall pertain to any individual or the person legally responsible for such individual and may be requested at a minimum of twice a year.

5. The department shall reimburse the entity which is requested to supply information as provided by this section for actual direct costs, based upon industry standards, incurred in furnishing the requested information and as set out in the contract. The department shall specify the time and manner in which information is to be delivered by the entity to the department. No reimbursement will be provided for information requested by the department other than by means of a data match.

6. Any entity which has received a request from the department pursuant to this section shall provide the requested information in compliance with HIPAA required transactions within sixty days of receipt of the request. Willful failure of an entity to provide the requested information within such period shall result in liability to the state for civil penalties of up to ten dollars for each day thereafter. The attorney general shall, upon request of the department, bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The court shall determine the amount of the civil penalty to be assessed. A health insurance carrier, including instances where [they act] **it acts** in the capacity of an administrator of an ASO account, and a TPA acting in the capacity of an administrator for a fully insured or self-funded employer, is required to accept and respond to the HIPAA ANSI standard transaction for the purpose of validating eligibility.

7. The director of the department shall establish guidelines to assure that the information furnished to any entity or obtained from any entity does not violate the laws pertaining to the confidentiality and privacy of an applicant or participant receiving MO HealthNet benefits. Any person disclosing confidential information for purposes other than set forth in this section shall be guilty of a class A misdemeanor.

8. The application for or the receipt of benefits under sections 208.151 to 208.159 [and section 208.162] shall be deemed consent by the individual to allow the department to request information from any entity regarding insurance coverage of said person.

208.225. MEDICAID PER DIEM RATE RECALCULATION FOR NURSING HOMES, AMOUNT.

— 1. To implement fully the provisions of section 208.152, the **MO HealthNet** division [of medical services] shall calculate the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a provider of nursing home services based on its costs reported in the Title XIX cost report filed with the **MO HealthNet** division [of medical services] for its fiscal year as provided in subsection 2 of this section.

2. The recalculation of Medicaid rates to all Missouri facilities will be performed as follows: effective July 1, 2004, the department of social services shall use the Medicaid cost report containing adjusted costs for the facility fiscal year ending in 2001 and redetermine the allowable per-patient day costs for each facility. The department shall recalculate the class ceilings in the patient care, one hundred twenty percent of the median; ancillary, one hundred twenty percent of the median; and administration, one hundred ten percent of the median cost centers. Each facility shall receive as a rate increase one-third of the amount that is unpaid based on the recalculated cost determination.

208.300. VOLUNTEER PROGRAM FOR IN-HOME RESPITE CARE OF THE ELDERLY — CREDIT FOR SERVICE, LIMITATION. — The [division of aging of the department of social] **department of health and senior** services may establish a program under which elderly persons who are sixty years of age or older and others who have designated an elderly person as a beneficiary may volunteer their time and services to an in-home service or voluntary agency serving the elderly or to a not-for-profit organization or agency which provides services that benefit the elderly which is approved by the division and receive credit for providing volunteer respite service, which credit may then be drawn upon by such elderly persons or designated elderly beneficiaries when they themselves or their families need such respite services. The division shall establish a registry of names of such volunteers and shall, monthly or as often as it deems necessary for efficient management of the program, credit each of such volunteers with the number of hours of service each has performed for organizations and agencies approved by the division. No person serving as a volunteer pursuant to any program established by the division under the provisions of this section shall be credited for more than ten hours of volunteer service under this program per week.

208.325. SELF-SUFFICIENCY PROGRAM, TARGETED HOUSEHOLDS — ASSESSMENTS — SELF-SUFFICIENCY PACTS, CONTENTS, INCENTIVES FOR PARTICIPATION, REVIEW BY DIRECTOR, TERM OF PACT — TRAINING FOR CASE MANAGERS — SANCTIONS FOR FAILURE TO COMPLY WITH PACT PROVISIONS, REVIEW — EVALUATION OF PROGRAM — RULES — WAIVER FROM FEDERAL LAW. — 1. Beginning October 1, 1994, the department of social services shall enroll AFDC recipients in the self-sufficiency program established by this section. The department may target AFDC households which meet at least one of the following criteria:

- (1) Received AFDC benefits in at least eighteen out of the last thirty-six months; or
- (2) Are parents under twenty-four years of age without a high school diploma or a high school equivalency certificate and have a limited work history; or
- (3) Whose youngest child is sixteen years of age, or older; or
- (4) Are currently eligible to receive benefits pursuant to section 208.041, an assistance program for unemployed married parents.

2. The department shall, subject to appropriation, enroll in self-sufficiency pacts by July 1, 1996, the following AFDC households:

- (1) Not fewer than fifteen percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, and who are currently participating in the FUTURES program;

- (2) Not fewer than five percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, but who are currently not participating in the FUTURES program; and

- (3) By October 1, 1997, not fewer than twenty-five percent of aid to families with dependent children recipients, excluding recipients who meet the following criteria and are exempt from mandatory participation in the family self-sufficiency program:

- (a) Disabled individuals who meet the criteria for coverage under the federal Americans with Disabilities Act, P.L. 101-336, and are assessed as lacking the capacity to engage in full-time or part-time subsidized employment;

- (b) Parents who are exclusively responsible for the full-time care of disabled children; and

- (c) Other families excluded from mandatory participation in FUTURES by federal guidelines.

3. Upon enrollment in the family self-sufficiency program, a household shall receive an initial assessment of the family's educational, child care, employment, medical and other supportive needs. There shall also be assessment of the recipient's skills, education and work experience and a review of other relevant circumstances. Each assessment shall be completed in consultation with the recipient and, if appropriate, each child whose needs are being assessed.

4. Family assessments shall be used to complete a family self-sufficiency pact in negotiation with the family. The family self-sufficiency pact shall identify a specific point in time, no longer than twenty-four months after the family enrolls in the self-sufficiency pact, when the family's primary self-sufficiency pact shall conclude. The self-sufficiency pact is subject to reassessment and may be extended for up to an additional twenty-four months, but the maximum term of any self-sufficiency pact shall not exceed a total of forty-eight months. Family self-sufficiency pacts should be completed and entered into within three months of the initial assessment.

5. The **family support** division [of family services] shall complete family self-sufficiency pact assessments and/or may contract with other agencies for this purpose, subject to appropriation.

6. Family self-sufficiency assessments shall be used to develop a family self-sufficiency pact after a meeting. The meeting participants shall include:

- (1) A representative of the **family support** division [of family services], who may be a case manager or other specially designated, trained and qualified person authorized to negotiate the family self-sufficiency pact and follow-up with the family and responsible state agencies to

ensure that the self-sufficiency pact is reviewed at least annually and, if necessary, revised as further assessments, experience, circumstances and resources require;

(2) The recipient and, if appropriate, another family member, assessment personnel or an individual interested in the family's welfare.

7. The family self-sufficiency pact shall:

(1) Be in writing and establish mutual state and family member obligations as part of a plan containing goals, objectives and timelines tailored to the needs of the family and leading to self-sufficiency;

(2) Identify available support services such as subsidized child care, medical services and transportation benefits during a transition period, to help ensure that the family will be less likely to return to public assistance.

8. The family self-sufficiency pact shall include a parent and child development plan to develop the skills and knowledge of adults in their role as parents to their children and partners of their spouses. Such plan shall include school participation records. The department of social services shall, in cooperation with the department of health and senior services, the department of mental health, and the "Parents as Teachers" program in the department of elementary and secondary education, develop or make available existing programs to be presented to persons enrolled in a family self-sufficiency pact.

9. A family enrolled in a family self-sufficiency pact may own or possess property as described in subdivision (6) of subsection 2 of section 208.010 with a value of five thousand dollars instead of the one thousand dollars as set forth in subdivision (6) of subsection 2 of section 208.010.

10. A family receiving AFDC may own one automobile, which shall not be subject to property value limitations provided in section 208.010.

11. Subject to appropriations and necessary waivers, the department of social services may disregard from one-half to two-thirds of a recipient's gross earned income for job-related and other expenses necessary for a family to make the transition to self-sufficiency.

12. A recipient may request a review by the director of the **family support** division [of family services], or [his] **the director's** designee, of the family self-sufficiency pact or any of its provisions that the recipient objects to because it is inappropriate. After receiving an informal review, a recipient who is still aggrieved may appeal the results of that review under the procedures in section 208.080.

13. The term of the family self-sufficiency pact may only be extended due to circumstances creating barriers to self-sufficiency and the family self-sufficiency pact may be updated and adjusted to identify and address the removal of these barriers to self-sufficiency.

14. Where the capacity of services does not meet the demand for the services, limited services may be substituted and the pact completion date extended until the necessary services become available for the participant. The pact shall be modified appropriately if the services are not delivered as a result of waiting lists or other delays.

15. The **family support** division [of family services] shall establish a training program for self-sufficiency pact case managers which shall include but not be limited to:

(1) Knowledge of public and private programs available to assist recipients to achieve self-sufficiency;

(2) Skills in facilitating recipient access to public and private programs; and

(3) Skills in motivating and in observing, listening and communicating.

16. The **family support** division [of family services] shall ensure that families enrolled in the family self-sufficiency program make full use of the federal earned income tax credit.

17. Failure to comply with any of the provisions of a self-sufficiency pact developed pursuant to this section shall result in a recalculation of the AFDC cash grant for the household without considering the needs of the caretaker recipient.

18. If a suspension of caretaker benefits is imposed, the recipient shall have the right to a review by the director of the **family support** division [of family services] or [his] **the director's** designee.

19. After completing the family self-sufficiency program, should a recipient who has previously received thirty-six months of aid to families with dependent children benefits again become eligible for aid to families with dependent children benefits, the cash grant amount shall be calculated without considering the needs of caretaker recipients. The limitations of this subsection shall not apply to any applicant who starts a self-sufficiency pact on or before July 1, 1997, or to any applicant who has become disabled or is receiving or has received unemployment benefits since completion of a self-sufficiency program.

20. There shall be conducted a comprehensive evaluation of the family self-sufficiency program contained in the provisions of this act and the job opportunities and basic skills training program ("JOBS" or "FUTURES") as authorized by the provisions of sections 208.400 to 208.425. The evaluation shall be conducted by a competitively chosen independent and impartial contractor selected by the commissioner of the office of administration. The evaluation shall be based on specific, measurable data relating to those who participate successfully and unsuccessfully in these programs and a control group, factors which contributed to such success or failures, the structure of such programs and other areas. The evaluation shall include recommendations on whether such programs should be continued and suggested improvements in such programs. The first such evaluation shall be completed and reported to the governor and the general assembly by September 1, 1997. Future evaluations shall be completed every three years thereafter. In addition, in 1997, and every three years thereafter, the oversight division of the committee on legislative research shall complete an evaluation on general relief, child care and development block grants and social services block grants.

21. The director of the department of social services may promulgate rules and regulations, pursuant to section 660.017, and chapter 536 governing the use of family self-sufficiency pacts in this program and in other programs, including programs for noncustodial parents of children receiving assistance.

22. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received.

208.337. ACCOUNTS FOR CHILDREN WITH CUSTODIAL PARENTS IN JOBS (OR FUTURES), CONDITIONS, LIMITATIONS — WAIVERS REQUIRED. — 1. The division may deposit funds into an account on behalf of children whose custodial parent is a participant in the program authorized pursuant to the provisions of sections 208.400 to 208.425, and whose noncustodial parent is participating in a state job training and adult educational program approved by the **family support** division [of family services]. If agreed upon by the parties, funds may also be deposited for this purpose when the noncustodial parent terminates participation in the job training or educational program, until the custodial parent completes participation in the program authorized pursuant to the provisions of sections 208.400 to 208.425. The amount deposited for each child shall not exceed the portion of current child support paid by the noncustodial parent, to which the state of Missouri is entitled according to applicable state and federal laws. Money so received shall be governed by this section notwithstanding other state laws and regulations to the contrary.

2. Any money deposited by the division on behalf of a child, as provided in subsection 3 of this section, shall be accounted for in the name of the child. Any money in the account of a child may be expended only for care or services for the child as agreed upon by both parents. The division shall, by rule adopted pursuant to section 454.400 and chapter 536, establish procedures for the establishment of the accounts, use, expenditure, and accounting of the money, and the protection of the money against theft, loss or misappropriation.

3. The division shall deposit money appropriated for the purposes of this section with the state treasurer. Any earnings attributable to the money in the account of a child shall be credited to that child's account.

4. Each child for whose benefit funds have been received by the division, and the parents of such child, shall be furnished annually by the division of [budget and] finance **and administrative services** of the department of social services with a statement listing all transactions involving the funds which have been deposited on the child's behalf, to include each receipt and disbursement, if any.

5. (1) The director of the department of social services shall apply for all waivers of requirements under federal law to implement the provisions of this section.

(2) This program shall not be implemented until the waiver has been obtained from the Secretary of the Department of Health and Human Services by the director of the department of social services.

208.345. PROTOCOLS FOR REFERRAL OF PUBLIC ASSISTANCE RECIPIENTS TO FEDERAL PROGRAMS. — The **family support** division [of family services], with the cooperation of the division of vocational rehabilitation, shall establish a protocol where persons who qualify for public assistance, including aid to families with dependent children, general relief and medical assistance, because of a disability may be directed to an appropriate federal agency to apply for other benefits. The **family support** division [of family services] shall also establish a procedure to identify applicants and recipients who may be entitled to supplement or supplant state benefits with other benefits through the Social Security Disability, Railroad Retirement, Supplemental Security Income, Veterans, Qualified Medicare Beneficiary and Specified Low Income Medicare Beneficiary and other programs.

208.400. DEFINITIONS. — As used in sections 208.400 to 208.425 and section 452.311, the following terms mean:

(1) "Case manager", an employee of the division having responsibility for the assessment of the participant's educational and employment needs and for assisting the participant in the development and execution of the service plan;

(2) "Community work experience program", as defined under section 201 of the Family Support Act of 1988 (P.L. 100-485), a program designed to enhance the employability of participants not otherwise able to obtain employment through providing training and an actual work experience;

(3) "Department", the department of social services;

(4) "Division", the **family support** division [of family services] of the department of social services;

(5) "Educational component", that portion of the Missouri job opportunities and basic skills training (JOBS) program which is intended to provide educational opportunities for participants. This component will include:

(a) "Adult basic education", any part-time or full-time program of instruction emphasizing reading, writing and computation skills, including day classes or night classes, which prepares a person to earn a Missouri high school equivalency certificate pursuant to section 161.093;

(b) "High school education", instruction in two or more grades not lower than the ninth nor higher than the twelfth grade which leads to the award of a diploma provided by any school to a person, to the extent that such instruction conforms to the requirements established pursuant to section 201 of P.L. 100-485 and federal regulations promulgated under said section;

(c) "Postsecondary education", any part-time or full-time program of instruction in a community college, college or university as allowed by regulations of the department of health and human services; and

(d) "Vocational education", any part-time or full-time program of instruction of less than baccalaureate grade, including day classes or night classes, which prepares a person for gainful employment;

(6) "Employment component", that portion of the Missouri JOBS program which is intended to provide employment counseling, training, and referral and employment opportunities for participants;

(7) "JOBS", the job opportunities and basic skills training program for AFDC recipients developed by the **family support** division [of family services];

(8) "Participant", any recipient who is participating in the Missouri JOBS program;

(9) "Recipient", any person receiving aid to families with dependent children benefits under section 208.040 or 208.041;

(10) "Service plan", as defined in section 201 of the Family Support Act of 1988 (P.L. 100-485), an employability plan designating the services to be provided by the department and the activities in which the participant will be involved; and

(11) "Transitional child care services", child day care services provided, as defined in sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485), to participants who have become ineligible for such services due to the increased wages of or hours of employment.

208.405. JOBS PROGRAM ESTABLISHED, DUTIES OF DEPARTMENT. — 1. No later than October 1, 1990, the **family support** division [of family services] shall establish and operate a job opportunities and basic skills training (JOBS) program for AFDC recipients.

2. The **family support** division [of family services], subject to appropriation, shall administer the job opportunities and basic skills training (JOBS) program as provided in Part F of Title IV of the Social Security Act.

3. Pursuant to Public Law 100-485, state funds expended for education, training and employment activities, including supportive services, to assist aid to families with dependent children recipients in becoming self-sufficient shall be no less than the level expended for such purposes in fiscal year 1986.

4. The department shall plan and coordinate all the JOBS program with the Missouri Job Training Coordinating Council, educational training and basic skills training and opportunities afforded under the provisions of this act with the department of elementary and secondary education, the department of labor and industrial relations and the department of economic development so as not to duplicate any existing program and services now offered. The existing personnel in those departments together with such added personnel as may be authorized by appropriations shall be utilized in carrying out the provisions of this act.

208.471. MEDICAID REIMBURSEMENT PAYMENTS TO HOSPITALS—FRA ASSESSMENTS — ENHANCED GRADUATE MEDICAL EDUCATION PAYMENTS — ALTERNATIVE REIMBURSEMENT PAYMENTS TO HOSPITAL FOR MEDICAID PROVIDER AGREEMENTS OR REIMBURSEMENT FOR OUTPATIENT SERVICES, CERTAIN LIMITS NOT TO APPLY TO OUTPATIENT SERVICES. — 1. The department of social services shall make payments to those hospitals which have a Medicaid provider agreement with the department. Prior to June 30, 2002, the payment shall be in an annual, aggregate statewide amount which is at least the same as that paid in fiscal year 1991-1992 pursuant to rules in effect on August 30, 1991, under the federally approved state plan amendments.

2. Beginning July 1, 2002, sections 208.453 to 208.480 shall expire one hundred eighty days after the end of any state fiscal year in which the aggregate federal reimbursement allowance (FRA) assessment on hospitals is more than eighty-five percent of the sum of aggregate direct Medicaid payments, uninsured add-on payments and enhanced graduate medical education payments, unless during such one hundred eighty-day period, such payments or assessments are adjusted prospectively by the director of the department of social services to comply with the eighty-five percent test imposed by this subsection. Enhanced graduate medical education payments shall not be included in the calculation required by this subsection if the general assembly appropriates the state's share of such payments from a source other than the federal reimbursement allowance. For purposes of this section, direct Medicaid payments, uninsured add-on payments and enhanced graduate medical education payments shall:

(1) Include direct Medicaid payments, uninsured add-on payments and enhanced graduate medical education payments as defined in state regulations as of July 1, 2000;

(2) Include payments that substantially replace or supplant the payments described in subdivision (1) of this subsection;

(3) Include new payments that supplement the payments described in subdivision (1) of this subsection; and

(4) Exclude payments and assessments of acute care hospitals with an unsponsored care ratio of at least sixty-five percent that are licensed to operate less than fifty inpatient beds in which the state's share of such payments are made by certification.

3. The **MO HealthNet** division [of medical services] may provide an alternative reimbursement for outpatient services. Other provisions of law to the contrary notwithstanding, the payment limits imposed by subdivision (2) of subsection 1 of section 208.152 shall not apply to such alternative reimbursement for outpatient services. Such alternative reimbursement may include enhanced payments or grants to hospital-sponsored clinics serving low income uninsured patients.

208.477. MEDICAID ELIGIBILITY, CRITERIA USED, EFFECT WHEN MORE RESTRICTIVE THAN FY2003. — For each state fiscal year, if the criteria used to determine eligibility for Medicaid coverage under a Section 1115 waiver are more restrictive than those in place in state fiscal year 2003, the **MO HealthNet** division [of medical services] shall:

(1) Reduce the federal reimbursement allowance assessment for that fiscal year. The reduction shall equal the amount of federal reimbursement allowance appropriated to fund the Section 1115 waiver in state fiscal year 2002 multiplied by the percentage decrease in Medicaid waiver enrollment as a result of using the more restrictive waiver eligibility standards; and

(2) Increase cost of the uninsured payments for that fiscal year. The increased payments shall offset the higher uninsured costs resulting from the use of more restrictive Medicaid waiver eligibility criteria, as determined by the department of social services.

208.533. COMMISSION ESTABLISHED — MEMBERS, QUALIFICATIONS — TERMS — EXPENSES. — 1. There is hereby established a twenty-member "Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals" under the [division of aging] **department of health and senior services**. The commission shall consist of the following members:

(1) The directors of the departments of health and senior services, mental health and social services or their designees;

(2) The directors of the office of minority health and the [division of aging] **department of health and senior services** who shall serve as cochairs of the commission;

(3) Two members of the Missouri house of representatives, one from each major political party represented in the house of representatives, appointed by the speaker of the house who shall serve in a nonvoting, advisory capacity;

(4) Two members of the senate, one from each major political party represented in the senate, appointed by the president pro tem of the senate who shall serve in a nonvoting, advisory capacity;

(5) A representative of the office of the lieutenant governor who shall serve in a nonvoting, advisory capacity; and

(6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions; nutrition; community-based health services; legal services; elderly consumer advocacy; gerontology or geriatrics; social work and other related services including housing. At least two of the individuals appointed by the governor shall be minority older individuals. The members appointed by the governor shall be residents of

Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members appointed by the governor shall serve for three-year terms. Other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office but may be reappointed.

3. Members of the commission shall not be compensated for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The office of administration and the departments of health and senior services, mental health and social services shall provide such support as the commission requires to aid it in the performance of its duties.

208.606. PUBLIC EDUCATION, AT-RISK ELDERLY, PURPOSE — ACTION STEPS TO BE DEvised, PREFERENCE FOR CONTACTS. — 1. The department of [social] **health and senior services** [through its division of aging], in collaboration with other state agencies, shall devise and implement a competent, thorough and ongoing public education program aimed at at-risk elderly persons. The purpose of this public education program is to identify regularly and inform fully elderly citizens of the existence, eligibility criteria, means of access and location of existing federal and state elderly service programs that would serve to alleviate personal situations that would otherwise lead to hunger and deterioration of health. Such programs would include, but are not limited to, the Qualified Medicare Beneficiary Program, the USDA [Food Stamp] **Supplemental Nutrition Assistance** Program, the Medical Assistance Spenddown Program, the availability of local food pantries, the availability of caseworkers to take application in the home for elderly service programs, and any other program that might become available to assist elderly persons in the future.

2. This public education program shall devise action steps with preference toward personal as opposed to mass media contacts. Among the methods to be used may be:

(1) Offering grants to local nonprofit service agencies to carry out public education programs;

(2) Producing brochures in easy-to-read language and formats using enlarged lettering;

(3) Holding information sessions at senior nutrition sites and with senior service agencies, such as the area agencies on aging, and with other agencies or service providers who serve the elderly;

(4) Organizing volunteer gatekeeper programs in communities with a high percentage of vulnerable elderly persons;

(5) Applying for a statewide Volunteers in Service to America [or the] (VISTA) Program to assist the state in organizing volunteer public education efforts.

208.609. COORDINATION OF EXISTING TRANSPORTATION SERVICES — VOLUNTARY TRANSPORTATION SYSTEMS — EMERGENCY FOOD SERVICES. — 1. The departments of social services, elementary and secondary education, transportation, mental health, and health shall establish a task force which shall devise plans to integrate and coordinate existing transportation services such as school buses, OATS, Head Start, volunteer and other programs to take full advantage of existing transportation resources for the benefit of elderly and other needy populations.

2. The [division of aging] **department of health and senior services** shall apply for a statewide Volunteers in Service to America Program for the purpose of helping to organize volunteer transportation systems in various communities with large numbers of at-risk elderly persons.

3. The [division of aging] **department of health and senior services** shall devise models and provide training for senior housing facilities which seek to provide emergency food services to residents and neighbors.

208.621. PROGRAM, AT-RISK ELDERLY. — The [division of aging] **department of health and senior services** shall apply for a statewide Volunteers in Service to America program to assist the division in organizing and coordinating volunteer resources in areas with a substantial high-risk elderly population, especially geared toward identifying at-risk elderly persons, personally contacting them with important information and friendly reassurance and to assist in volunteer transportation services.

208.636. REQUIREMENTS OF PARENTS OR GUARDIANS. — Parents and guardians of uninsured children eligible for the program established in sections 208.631 to 208.657 shall:

(1) Furnish to the department of social services the uninsured child's Social Security number or numbers, if the uninsured child has more than one such number;

(2) Cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third-party insurance carrier who may be liable to pay for health care;

(3) Cooperate with the **family support division of the** department of social services[, division of child support enforcement] in establishing paternity and in obtaining support payments, including medical support;

(4) Demonstrate upon request their child's participation in wellness programs including immunizations and a periodic physical examination. This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including immunizations and an annual physical examination because of religious beliefs or medical contraindications; and

(5) Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value.

208.780. DEFINITIONS. — As used in sections 208.780 to 208.798, the following terms shall mean:

(1) "Asset test", the asset limits as defined by the Medicare Prescription Drug Improvement and Modernization Act, P.L. 108-173;

(2) "Contractor", the person, partnership, or corporate entity which has an approved contract with the department to administer the pharmaceutical assistance program established under sections 208.780 to 208.798 and this chapter;

(3) "Department", the department of social services;

(4) "Division", the **MO HealthNet division of the** department of social services[, division of medical services];

(5) "Enrollee", a resident of this state who meets the conditions specified in sections 208.780 to 208.798 and in department regulations relating to eligibility for participation in the Missouri Rx plan and whose application for enrollment in the Missouri Rx plan has been approved by the department;

(6) "Federal poverty guidelines", the federal poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. Section 9902(2);

(7) "Liquid assets", assets used in the eligibility determination process as defined by the Medicare Modernization Act;

(8) "Medicaid dual eligible" or "dual eligible", a person who is eligible for both Medicare and Medicaid as defined by the Medicare Modernization Act;

(9) "Medicare Modernization Act" or "MMA", the Medicare Prescription Drug, Improvement and Modernization Act of 2003, P.L. 108-173;

(10) "Medicare Part D prescription drug benefit", the prescription benefit provided under the Medicare Modernization Act, as it may vary from one prescription drug plan to another;

(11) "Missouri resident", a person who has or intends to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future;

(12) "Missouri Rx plan", the state pharmacy assistance program created in section 208.782, or the combination of state and federal programs providing services to the population described in section 208.784;

(13) "Participating pharmacy", a pharmacy that elects to participate as a pharmaceutical provider and enters into a participating network agreement with the department or contractor;

(14) "Prescription drug plan" or "PDP", nongovernmental drug plans under contract with the Center for Medicare and Medicaid Services to provide prescription benefits under the Medicare Modernization Act;

(15) "Prescription drugs", outpatient prescription drugs that have been approved as safe and effective by the United States Food and Drug Administration. Prescription drugs do not include experimental drugs or over-the-counter pharmaceutical products;

(16) "Program", the Missouri Rx plan created under sections 208.780 to 208.798.

209.010. DIVISION TO AID BLIND PERSONS. — The duties of the **family support** division [of family services] shall be to prepare and maintain a complete register of the blind persons within this state and to collate information concerning their physical condition, cause of blindness and such additional information as may be useful to the division in the performance of its other duties as herein enumerated, and to investigate and report to the general assembly from time to time the condition of the blind within this state, with its recommendations concerning the best method of relief for the blind; to adopt such measures as the division may deem expedient for the prevention and cure of blindness; to establish and maintain at such places within this state as the division may deem expedient shops and workrooms for the employment of blind persons capable of useful labor, and to provide superintendence and other assistance therefor and instruction therein; to compensate the persons so employed in the manner and to the extent that the division shall deem proper; to provide such means for the sale of the products of the blind as the division shall deem expedient; to act as a bureau of information for the purpose of securing employment for the blind of this state elsewhere than in the shops and workrooms of the division and to this end the division is authorized to procure and furnish materials and tools and to furnish aid and assistance to blind persons engaged in home industries and to buy and sell the products of the blind wherever and however produced within this state; to provide for the temporary cost of the food, raiment and shelter of deserving blind persons engaged in useful labor; to ameliorate the condition of the blind by such means consistent with the provisions of sections 209.010 to 209.160 as the division may deem expedient; provided, however, that no part of the funds appropriated by the state shall be used for solely charitable purposes; the object and purpose of sections 209.010 to 209.160 being to encourage capable blind persons in the pursuit of useful labor and to provide for the prevention and cure of blindness.

[192.935.] 209.015. BLINDNESS EDUCATION, SCREENING AND TREATMENT PROGRAM FUND—USES OF FUND—RULEMAKING. — 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding.

2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department of **social services** shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.

3. The program shall provide for:
 - (1) Public education about blindness and other eye conditions;
 - (2) Screenings and eye examinations to identify conditions that may cause blindness;
 - (3) Treatment procedures necessary to prevent blindness; and
 - (4) Any additional costs for vision examinations under section 167.195 that are not covered by existing public **or private** health insurance. Subject to appropriations, moneys from the fund shall be used to pay for those additional costs, provided that the costs do not exceed ninety-nine thousand dollars per year. Payment from the fund for vision examinations under section 167.195 shall not exceed the allowable state Medicaid reimbursement amount for vision examinations.
4. The department may contract for program development with any department-approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.
5. The department may adopt rules to prescribe eligibility requirements for the program.
6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

209.020. DIVISION MAY RECEIVE AND EXPEND DONATIONS AND BEQUESTS. — [Said] **The family support** division [of family services] is authorized to receive and use for the purposes herein enumerated, or any of them, donations and bequests, and is authorized to expend such donations and bequests in such manner as it may deem proper within the limitations imposed by the donors thereof.

209.030. BLIND PENSIONS, ELIGIBILITY REQUIREMENTS. — Every adult blind person, eighteen years of age or over, of good moral character who shall have been a resident of the state of Missouri for one year or more next preceding the time of making application for the pension herein provided and every adult blind person eighteen years of age or over who may have lost his or her sight while a bona fide resident of this state and who has been a continuous resident thereof since such loss of sight, shall be entitled to receive, when enrolled under the provisions of sections 209.010 to 209.160, an annual pension as provided for herein, payable in equal monthly installments, provided that no such person shall be entitled to a pension who owns property or has an interest in property to the value of twenty thousand dollars or more, or if married and actually living with husband or wife, if the value of his or her interest in property, together with that of such husband or wife, exceeds said amount; provided, further, that in determining the total value of property owned, the real estate occupied by the blind person or spouse as the home, shall be excluded; or who has a sighted spouse resident in this state who upon the investigation of the **family support** division [of family services] may be found to be able to provide for the reasonable support of such applicant, or while publicly soliciting alms in any manner or through any artifice in any part of this state; and provided, further, that blind persons who are maintained in private or endowed institutions or who are inmates of a public institution shall not be entitled to the benefits of sections 209.010 to 209.160, except as a patient in a public medical institution; provided, benefits shall not be paid to a blind person under sixty-five years of age, who is a patient in an institution for mental diseases or tuberculosis. In order to comply with federal laws and regulations and state plans in making payments to or on behalf of mentally ill individuals sixty-five years of age, or over, who are patients in a state mental institution, the **family support** division [of family services] shall require agreements or other arrangements with the institution to provide a framework for cooperation and to assure that state plan requirements and federal laws and regulations relating to such payment will be observed. In the event the federal laws or regulations will not permit approval of the state plan for benefit payments to or on behalf of an individual who is sixty-five years of age, or over, and is a patient in a state institution for mental diseases, this portion of this section shall be inoperative until approval of a state plan is obtained.

209.050. PERSONS REFUSING WORK INELIGIBLE FOR PENSIONS — NAMES MAY BE STRICKEN FROM ROLL. — 1. Sections 209.010 to 209.160 shall not be so construed as to grant the benefits thereof to any blind person between the ages of eighteen and fifty years who has no occupation and who, being both physically and mentally capable of some useful occupation or of receiving vocational or other training, who refuses, for any reason, to engage in such useful occupation or to avail himself or herself of such vocational or other training.

2. The **family support** division [of family services] may grant its certificate admitting to the pension roll any applicant, otherwise qualified for a pension, who signifies his or her willingness and readiness to enter upon a course of vocational or other training; but in the event any such person fails for more than a reasonable time to enter upon such course of training, without good cause, the **family support** division [of family services] shall strike the name of such person from the blind pension roll.

209.060. APPLICATION FOR PENSION — PAYMENT BEGINS, WHEN — MISREPRESENTATION, PENALTY. — Any person who desires the benefits of sections 209.010 to 209.160 shall file an application at the [county welfare] **family support division** office in the county of his or her residence, who is satisfied that the applicant comes within the provisions of sections 209.010 to 209.160 shall certify such fact to the **family support** division [of family services] at its office in Jefferson City, Missouri, which shall consider the merits of such application and if approved by the **family support** division [of family services] such person shall be placed upon the blind pension rolls. All pensions payable under sections 209.010 to 209.160 shall begin on the date of the filing of the application therefor with the **family support** division [of family services]. And whenever it shall become known to the **family support** division [of family services] that any person whose name is on the blind pension roll is no longer qualified to receive a pension, after reasonable notice mailed to such person at his or her last known residence address the name of such person shall be stricken from the blind pension roll; provided further, any person who shall by gifts, secret disposition or other means dispose of any property in his or her possession in order to become wholly or in part within the provisions of sections 209.010 to 209.160 shall be deemed guilty of a misdemeanor.

209.070. DIVISION TO PREPARE SUITABLE BLANK APPLICATION FORMS. — It shall be the duty of the **family support** division [of family services] to prepare suitable blank application forms for the use of blind persons in making application for pensions, which shall contain such questions for applicant to answer and other matter as the division may deem appropriate to the end to be accomplished. All statements of an applicant contained on such application form shall be verified by the applicant and shall also be supported by the certificates of two disinterested and responsible householders of the county wherein applicant resides, who have known applicant for not less than two years next prior to date of such application, that such statements are true.

209.080. DIVISION TO MAKE REGULATIONS RELATIVE TO EXAMINATION OF APPLICANTS FOR PENSIONS. — It shall be the duty of the **family support** division [of family services] to make such regulations relative to the examination of applicants for pension, including the examination by an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the **family support** division [of family services] to make such examination and of all matters deemed necessary connected with the administration of this chapter. The examining ophthalmologist, a physician skilled in disease of the eye, or optometrist, shall certify in writing, upon forms provided by the **family support** division [of family services], the findings of the examination. The examination shall be provided for by the **family support** division [of family services] without charge to the applicant and shall be paid as an administrative expense. No person shall be entitled to the benefits of this chapter who shall refuse to submit to treatment or operation to effect a cure when recommended by competent

medical authority and approved by the **family support** division [of family services], but upon submission to such treatment or operation the pension of applicant otherwise entitled thereto, shall be paid as in other cases: Provided further, that no applicant who is more than seventy-five years of age shall be required to submit to an operation to restore his or her vision in order to come under the provisions of this chapter, but may voluntarily submit to operation.

209.090. DIVISION TO PREPARE ROLL OF PENSIONERS — TO DISTRIBUTE PENSIONS. —

Monthly, the **family support** division [of family services] shall prepare a separate roll of persons entitled to receive blind pension, which roll shall be in triplicate, showing the name, post-office address, amount of pension payable, and such other information as the **family support** division [of family services] may determine to be necessary. One copy of each roll shall be retained as a record by the **family support** division [of family services]. The original roll and one copy properly certified by the director, or [his] **the director's** authorized agent, shall be delivered to the commissioner of administration, who shall certify the same for payment and prepare one warrant for the total amount payable to the **family support** division [of family services], which warrant shall be attached to the copy of the roll and delivered to the state treasurer. The commissioner of administration shall retain the original roll as a record of his or her office. The state treasurer upon receiving said roll, warrant, and checks prepared by the **family support** division [of family services] for each person on said roll, shall sign said checks and deliver same to the **family support** division [of family services] for delivery to the proper payees.

209.100. DIVISION TO KEEP BLIND PENSION ROLL. — The **family support** division [of family services] shall place the names of all persons certified by it for a pension under sections 209.010 to 209.160 upon a record to be kept in its office to be known as "The Blind Pension Roll" which shall contain also the residence, post-office address, date upon which the application for pension was filed with the judge of probate division of the circuit court or **family support** division [of family services], and the date the certificate was received by the **family support** division [of family services]; and the name of any person appearing upon the said blind pension roll shall be prima facie evidence of the right of such person to the pension herein provided.

209.110. PERSON AGGRIEVED MAY APPEAL. — Any person claiming the benefits of sections 209.010 to 209.160 who is aggrieved by the action of the **family support** division [of family services] on the question of such person's vision or as to his or her property or income, residential or moral qualifications to receive the benefits of sections 209.010 to 209.160, may appeal from its decision to the circuit court of his or her judicial circuit within ninety days from the decision complained of, by giving the division notice of such appeal; such appeal shall be had and tried in the circuit court de novo, and the judgment rendered thereupon shall be final; and if such judgment be in favor of appellant a certified copy of same shall be mailed to the **family support** division [of family services] at its office in Jefferson City.

209.240. AMOUNT OF PENSION — NEED, HOW DETERMINED. — 1. The **family support** division [of family services] shall, for the purpose of obtaining federal financial participation in aid to the blind payments, prepare a budget taking into consideration the necessary expenses in accordance with standards developed by the **family support** division [of family services] and the income and resources of the individual claiming aid to the blind. In preparing such budget the **family support** division [of family services] shall disregard the first eighty-five dollars per month of earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period not in excess of twelve months, such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the **family support** division [of family services], as may be necessary for the fulfillment of such plan. Every person passing the vision test and having the other qualifications provided in

this law shall be entitled to receive aid to the blind in the amount of one hundred ten dollars monthly. Any person disqualified to receive aid to the blind may apply for pension to the blind as provided in sections 209.010 to 209.160.

2. If the funds at the disposal or which may be obtained by the **family support** division [of family services] for the payment of benefits under this section shall at any time become insufficient to pay the full amount of benefits to each person entitled thereto, the amount of benefits of each one of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.

3. Medical assistance for aid to the blind recipients shall be payable as provided in sections 208.151 to 208.158 without regard to any durational residence requirement for eligibility.

209.251. DEFINITIONS. — As used in sections 209.251 to 209.259, the following terms mean:

(1) "Adaptive telecommunications equipment", equipment that translates, enhances or otherwise transforms the receiving or sending of telecommunications into a form accessible to individuals with disabilities. The term adaptive telecommunications equipment includes adaptive telephone equipment and other types of adaptive devices such as computer input and output adaptations necessary for telecommunications access;

(2) "Basic telecommunications access line", a telecommunications line which provides service from the telephone company central office to the customer's premises which enables the customer to originate and terminate long distance and local telecommunications;

(3) "Commission", the public service commission;

(4) "Consumer support and outreach", services that include, but are not limited to, assisting individuals with disabilities or their families or caregivers in the selection of the most appropriate adaptive telecommunications equipment to meet their needs, providing basic training and technical assistance in the installation and use of adaptive telecommunications equipment, and development and dissemination of information to increase awareness and use of adaptive telecommunications equipment;

(5) "Department", the department of [labor and industrial relations] **elementary and secondary education**;

(6) "Eligible subscriber", any individual who has been certified as deaf, hearing-impaired, speech-impaired or as having another disability that causes the inability to use telecommunications equipment and services by a licensed physician, audiologist, speech pathologist, hearing instrument specialist or a qualified agency;

(7) "Missouri assistive technology advisory council" or "council", the body which directs the Missouri assistive technology program pursuant to sections [191.850 to 191.865] **161.900 to 161.945**;

(8) "Program administrator", the entity or entities designated to design the statewide telecommunications equipment distribution program, develop and implement the program policies and procedures, assure delivery of consumer support and outreach and account for and pay all program expenses;

(9) "Surcharge", an additional charge which is to be paid by local exchange telephone company subscribers pursuant to the rate recovery mechanism established pursuant to sections 209.255, 209.257 and 209.259 in order to implement the programs described in sections 209.251 to 209.259;

(10) "Telecommunications", the transmission of any form of information including, but not limited to, voice, graphics, text, dynamic content, and data structures of all types whether they are in electronic, visual, auditory, optical or any other form;

(11) "Telecommunications device for the deaf" or "TDD", a telecommunications device capable of allowing deaf, hearing-impaired or speech-impaired individuals to transmit messages over basic telephone access lines by sending and receiving typed messages.

210.001. DEPARTMENT OF SOCIAL SERVICES TO MEET NEEDS OF HOMELESS, DEPENDENT AND NEGLECTED CHILDREN — ONLY CERTAIN REGIONAL CHILD ASSESSMENT CENTERS FUNDED. — 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the **children's** division [of family services] and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

(1) The St. Louis City child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center;

(8) The St. Charles County child assessment center;

(9) The Jefferson County child assessment center;

(10) The Pettis County child assessment center;

(11) The southeast Missouri child assessment center;

(12) The Camden County child assessment center;

(13) The Clay-Platte County child assessment center;

(14) The Lakes Area child assessment center;

(15) The Ozark Foothills child assessment center; and

(16) The North Central Missouri child assessment center; provided the other approved assessment centers included in subdivisions (1) to (14) of this subsection submit to the department of social services a modified funding formula for all approved child assessment centers, which would require no additional state funding.

210.115. REPORTS OF ABUSE, NEGLECT, AND UNDER AGE EIGHTEEN DEATHS — PERSONS REQUIRED TO REPORT — SUPERVISORS AND ADMINISTRATORS NOT TO IMPEDE REPORTING — DEATHS REQUIRED TO BE REPORTED TO THE DIVISION OR CHILD FATALITY REVIEW PANEL, WHEN — REPORT MADE TO ANOTHER STATE, WHEN. — 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the

child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri **children's** division [of family services], make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the **children's** division.

210.165. PENALTY FOR VIOLATION. — 1. Any person violating any provision of sections 210.110 to 210.165 is guilty of a class A misdemeanor.

2. Any person who intentionally files a false report of child abuse or neglect shall be guilty of a class A misdemeanor.

3. Every person who has been previously convicted of making a false report to the **children's division or its predecessor agency**, the division of family services, and who is subsequently convicted of making a false report under subsection 2 of this section is guilty of a class D felony and shall be punished as provided by law.

4. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

210.166. MEDICAL NEGLIGENCE OF CHILD, WHO MAY BRING ACTION — PROCEDURE. —

The **children's division** [of family services], any juvenile officer, any physician licensed under chapter 334, any hospital or other health care institution, and any other person or institution authorized by state or federal law to provide medical care may bring an action in the circuit court in the county where any child under eighteen years of age resides or is located, alleging the child is suffering from the denial or deprivation, by those responsible for the care, custody, and control of the child, of medical or surgical treatment or intervention which is necessary to remedy or ameliorate a medical condition which is life-threatening or causes injury. Those responsible for the care, custody and control of the child include, but is not limited to, the parents or guardian of the child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. A petition filed under this section shall be expedited by the court involved in every manner practicable, including, but not limited to, giving such petition priority over all other matters on the court's docket and holding a hearing, at which the parent, guardian or other person having authority to consent to the medical care in question shall, after being notified thereof, be given the opportunity to be heard, and issuing a ruling as expeditiously as necessary when the child's condition is subject to immediate deterioration. Any circuit or associate circuit judge of this state shall have the authority to ensure that medical services are provided to the child when the child's health requires it.

210.167. REPORT TO SCHOOL DISTRICT ON VIOLATIONS OF COMPULSORY SCHOOL ATTENDANCE LAW — REFERRAL BY SCHOOL DISTRICT TO PROSECUTOR, WHEN. — If an investigation conducted by the **children's division** [of family services pursuant to] **under** section 210.145 reveals that the only basis for action involves a question of an alleged violation of section 167.031, then the local office of the division shall send the report to the school district in which the child resides. The school district shall immediately refer all private, parochial, parish or home school matters to the prosecuting attorney of the county wherein the child legally resides. The school district may refer public school violations of section 167.031 to the prosecuting attorney.

210.192. CHILD FATALITY REVIEW PANEL TO INVESTIGATE DEATHS — QUALIFICATIONS — PROSECUTORS AND CIRCUIT ATTORNEYS TO ORGANIZE — REPORT ON INVESTIGATIONS — IMMUNITY FROM CIVIL LIABILITY — PROGRAM FOR PREVENTION. —

1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:

- (1) The prosecuting or circuit attorney;
- (2) The coroner or medical examiner for the county or city not within a county;

- (3) Law enforcement personnel in the county or city not within a county;
- (4) A representative from the **children's** division [of family services];
- (5) A provider of public health care services;
- (6) A representative of the juvenile court;
- (7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairman who shall convene the panel to meet to review all deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth, which meet guidelines for review as set forth by the department of social services. In addition, the panel may review at its own discretion any child death reported to it by the medical examiner or coroner, even if it does not meet criteria for review as set forth by the department. The panel shall issue a final report, which shall be a public record, of each investigation to the department of social services, state technical assistance team and to the director of the department of health and senior services. The final report shall include a completed summary report form. The form shall be developed by the director of the department of social services in consultation with the director of the department of health and senior services. The department of health and senior services shall analyze the child fatality review panel reports and periodically prepare epidemiological reports which describe the incidence, causes, location and other factors pertaining to childhood deaths. The department of health and senior services and department of social services shall make recommendations and develop programs to prevent childhood injuries and deaths.

4. The child fatality review panel shall enjoy such official immunity as exists at common law.

210.196. HOSPITALS AND PHYSICIANS, RULES AUTHORIZED FOR PROTOCOL AND IDENTIFYING SUSPICIOUS DEATHS — CHILD DEATH PATHOLOGIST, QUALIFICATION, CERTIFICATION — RULES, PROCEDURE — RECORDS, DISCLOSURE. — 1. The director of the department of health and senior services, in consultation with the director of the department of social services, shall promulgate rules, guidelines and protocols for hospitals and physicians to use to help them to identify suspicious deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth.

2. The director of the department of health and senior services shall promulgate rules for the certification of child death pathologists and shall develop protocols for such pathologists. A certified child death pathologist shall be a board-certified forensic pathologist or a board-certified pathologist who through special training or experience is deemed qualified in the area of child fatalities by the department of health and senior services.

3. Except as provided in section 630.167, any hospital, physician, medical professional, mental health professional, or department of mental health facility shall disclose upon request all records, medical or social, of any child eligible to receive a certificate of live birth under the age of eighteen who has died to the coroner or medical examiner, **children's** division [of family services] representative, or public health representative who is a member of the local child fatality review panel established pursuant to section 210.192 to investigate the child's death. Any legally recognized privileged communication, except that between attorney and client, shall not apply to situations involving the death of a child under the age of eighteen years, who is eligible to receive a certificate of live birth.

210.254. RELIGIOUS ORGANIZATION OPERATING FACILITIES EXEMPT UNDER LICENSING LAWS REQUIRED TO FILE PARENTAL NOTICE OF RESPONSIBILITY AND FIRE, SAFETY INSPECTIONS ANNUALLY. — 1. Child-care facilities operated by religious organizations pursuant to the exempt status recognized in subdivision (5) of section 210.211 shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental

responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the child-care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the department of health and senior services other than as provided herein and that the facility has been inspected by those designated in section 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to 210.257;

(2) The names, addresses and telephone numbers of agencies and authorities which inspect the facility for fire, health and safety and the date of the most recent inspection by each;

(3) The staff/child ratios for enrolled children under two years of age, for children ages two to four and for those five years of age and older as required by the department of health and senior services regulations in licensed facilities, the standard ratio of staff to number of children for each age level maintained in the exempt facility, and the total number of children to be enrolled by the facility;

(4) Notification that background checks have been conducted on each individual caregiver and all other personnel at the facility. The background check shall be conducted upon employment and every two years thereafter on each individual caregiver and all other personnel at the facility. Such background check shall include a screening for child abuse or neglect through the **children's** division [of family services], and a criminal record review through the Missouri highway patrol pursuant to section 43.540. The fee for the criminal record review shall be limited to the actual costs incurred by the Missouri highway patrol in conducting such review not to exceed ten dollars;

(5) The disciplinary philosophy and policies of the child-care facility; and

(6) The educational philosophy and policies of the child-care facility.

3. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child-care facility and the individual primarily responsible for the religious organization conducting the child-care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the director of the department of health and senior services. Exempt child-care facilities which begin operation after August 28, 1993, shall file such notice at least five days prior to starting to operate.

210.481. DEFINITIONS. — As used in sections 210.481 to 210.536, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Child", any individual under eighteen years of age or in the custody of the division;

(2) "Child placing agency", any person, other than the parents, who places a child outside the home of the child's parents or guardian, or advertises or holds himself forth as performing such services, but excluding the attorney, physician, or clergyman of the parents;

(3) "Division", the **children's** division [of family services] of the department of social services of the state of Missouri;

(4) "Foster home", a private residence of one or more family members providing twenty-four-hour care to one or more but less than seven children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption;

(5) "Guardian", the person designated by a court of competent jurisdiction as the "guardian of the person of a minor" or "guardian of the person and conservator of the estate of a minor";

(6) "License", the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child placing agency which authorizes the foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of sections 210.481 to 210.536 and rules issued pursuant thereto;

(7) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization, regardless of the name used;

(8) "Provisional license", the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child placing agency which is not currently meeting requirements for full licensure;

(9) "Related", any of the following by blood, marriage, or adoption: Parent, grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin;

(10) "Residential care facility", a facility providing twenty-four-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian.

210.536. COST OF FOSTER CARE, HOW PAID — FAILURE OF PARENT TO PAY REQUIRED AMOUNT, COURT ORDERS AGAINST ASSETS, COLLECTION PROCEDURE. — 1. The cost of foster care shall be paid by the **children's** division [of family services pursuant to] **under** chapter 207, except that the court shall evaluate the ability of parents to pay part or all of the cost for such care, and shall order such payment to the department of social services.

2. The court may effectuate such order against any asset of the parent for failure to provide part or all of the cost of foster care according to the court order; provided further, that any assignment, attachment, garnishment, or lien against such assets shall be served upon the person in possession of the assets or shall be recorded in the office of the recorder of deeds in the county in which the parent resides or in which the asset is located. The department of social services may contract on a contingency fee basis with private attorneys for the collection and enforcement of orders against such assets. Any such third party payment shall be paid directly to the department of social services.

210.537. COUNTY FOSTER PARENT ASSOCIATIONS MAY BE ESTABLISHED, DUTIES OF DIVISION. — The **children's** division [of family services] shall cooperate with and shall help promote foster parent associations in each county. The **children's** division [of family services] shall provide county foster parent associations with data, information and guidelines on the obligations, responsibilities and opportunities of foster parenting and shall keep the associations and members apprised of changes in laws and regulations relevant to foster parenting.

210.543. SPECIALIZED FOSTER PARENTS, TRAINING, FISCAL INCENTIVES. — The **children's** division [of family services] shall train and license a separate category of foster parents who are able to provide special care and supervision to foster children who have special needs because of a history of sexual abuse, serious physical abuse, or severe chronic neglect. The training received by such specialized foster parents shall be in addition to the training required in section 210.540. Fiscal incentives for training and/or longevity may be provided by the division, subject to appropriation. The division shall place foster children with such specialized foster parents subject to available funds.

210.545. RESPITE CARE FACILITIES FOR FOSTER FAMILIES — RULES AND REGULATIONS — PROCEDURE. — 1. The **children's** division [of family services] shall establish reasonably accessible respite care facilities which may be utilized by foster parents licensed by the division. Such licensed foster parents shall be permitted to leave agency foster children in the respite care facilities for periods of time determined jointly by the foster parent and the division and subject to available funds.

2. Such respite care facilities may be licensed day care centers or residential treatment centers who have contracted with the division to provide such services. Licensed foster homes may also be designated as respite care facilities.

3. The **children's** division [of family services] shall promulgate rules and regulations necessary to implement the provisions of this section. No rule or portion of a rule promulgated

under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

210.551. GRIEVANCE PROCEDURE FOR DECISIONS OF DIVISION TO BE DEVELOPED WITH COOPERATION OF FOSTER PARENTS GROUP. — The **children's** division [of family services] shall, by January 1, 1988, develop a procedure by which foster parents may appeal adverse decisions affecting their rights made by the division. Such procedure shall be mutually agreed upon by the division and an organization of foster parents with whom they shall consult.

210.560. MONEY HELD BY OTHERS FOR BENEFIT OF A CHILD, DEFINITIONS, LIABILITY TO THE STATE FOR FUNDS EXPENDED FOR CHILD, WHEN — MONEY HELD BY DIVISION FOR A CHILD, ACCOUNTING, DEPOSIT OF FUNDS, ANNUAL STATEMENT, DISPOSAL OF FUNDS — ESCHEAT, WHEN. — 1. As used in this section, the following terms shall mean:

- (1) "Child", any child placed in the legal custody of the division under chapter 211;
- (2) "Division", the **children's** division [of family services] of the department of social services of the state of Missouri;
- (3) "Money", any legal tender, note, draft, certificate of deposit, stocks, bond or check;
- (4) "Vested right", a legal right that is more than a mere expectancy and may be reduced to a present monetary value.

2. The child, the child's parents, any fiduciary or any representative payee holding or receiving money that are vested rights solely for or on behalf of a child are jointly and severally liable for funds expended by the division to or on behalf of the child. The liability of any person, except a parent of the child, shall be limited to the money received in his **or her** fiduciary or representative capacity. The Missouri state government shall not require a trustee or a financial institution acting as a trustee to exercise any discretionary powers in the operation of a trust.

3. The division may accept an appointment to serve as representative payee or fiduciary, or in a similar capacity for payments to a child under any public or private benefit arrangement. Money so received shall be governed by this section to the extent that laws and regulations governing payment of such benefits provide otherwise.

4. Any money received by the division on behalf of a child shall be accounted for in the name of the child. Any money in the account of a child may be expended by the division for care or services for the child. The division shall by rule adopted under chapter 536 establish procedures for the accounting of the money and the protection of the money against theft, loss or misappropriation.

5. The division shall deposit money with a financial institution. Any earnings attributable to the money in the account of a child shall be credited to that child's account. The division shall receive bids from banking corporations, associations or trust companies which desire to be selected as depositories of children's moneys for the division.

6. The division may accept funds which a parent, guardian or other person wishes to provide for the use or benefit of the child. The use and deposit of such funds shall be governed by this section and any additional directions given by the provider of the funds.

7. Each child for whose benefit funds have been received by the division and the guardian ad litem of such child shall be furnished annually with a statement listing all transactions involving the funds which have been deposited on the child's behalf, to include each receipt and disbursement.

8. The division shall use all proper diligence to dispose of the balance of money accumulated in the child's account when the child is released from the care and custody of the division or the child dies. When the child is deceased the balance shall be disposed of as provided by law for descent and distribution. If, after the division has diligently used such methods and means as considered reasonable to refund such funds, there shall remain any money, the owner of which is unknown to the division, or if known, cannot be located by the division, in each and every such instance such money shall escheat and vest in the state of

Missouri, and the director and officials of the division shall pay the same to the state director of the department of revenue, taking a receipt therefor, who shall deposit the money in the state treasury to be credited to a fund to be designated as "escheat".

9. Within five years after money has been paid into the state treasury, any person who appears and claims the money may file a petition in the circuit court of Cole County, Missouri, stating the nature of the claim and praying that such money be paid to him. A copy of the petition shall be served upon the director of the department of revenue who shall file an answer to the same. The court shall proceed to examine the claim and the allegations and proof, and if it finds that such person is entitled to any money so paid into the state treasury, it shall order the commissioner of administration to issue a warrant on the state treasurer for the amount of such claim, but without interest or costs. A certified copy of the order shall be sufficient voucher for issuing a warrant; provided, that either party may appeal from the decision of the court in the same manner as provided by law in other civil actions.

10. All moneys paid into the state treasury under the provisions of this section after remaining there unclaimed for five years shall escheat and vest absolutely in the state and be credited to the state treasury, and all persons shall be forever barred and precluded from setting up title or claim to any such funds.

11. Nothing in this section shall be deemed to apply to funds regularly due the state of Missouri for the support and maintenance of children in the care and custody of the division or collected by the state of Missouri as reimbursement for state funds expended on behalf of the child.

210.720. COURT-ORDERED CUSTODY — WRITTEN REPORT OF STATUS REQUIRED FOR COURT REVIEW, WHEN — PERMANENCY HEARING WHEN, PURPOSE. — 1. In the case of a child who has been placed in the custody of the **children's** division [of family services] in accordance with subdivision (17) of subsection 1 of section 207.020 or another authorized agency by a court or who has been placed in foster care by a court, every six months after the placement, the foster family, group home, agency, or child care institution with which the child is placed shall file with the court a written report on the status of the child. The court shall review the report and shall hold a permanency hearing within twelve months of initial placement and at least annually thereafter. The permanency hearing shall be for the purpose of determining in accordance with the best interests of the child a permanent plan for the placement of the child, including whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted by either the juvenile officer or the division to terminate parental rights and legally free such child for adoption.

2. In such permanency hearings the court shall consider all relevant factors including:

- (1) The interaction and interrelationship of the child with the child's foster parents, parents, siblings, and any other person who may significantly affect the child's best interests;
- (2) The child's adjustment to his or her foster home, school and community;
- (3) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the child is in the care of an authorized agency based on an allegation that the child has abused another child and the court determines that such abuse occurred, the court shall not return the child to or permit the child to reside in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings; and

(4) The needs of the child for a continuing relationship with the child's parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child.

3. The judge shall make written findings of fact and conclusions of law in any order pertaining to the placement of the child.

210.829. JURISDICTION, VENUE, SEVERANCE — EFFECT OF FAILURE TO JOIN ACTION FOR NECESSARIES. — 1. The circuit court has jurisdiction of an action brought under sections 210.817 to 210.852. The action may be joined by separate document with an action for dissolution of marriage, annulment, separate maintenance, support, custody or visitation, except that in any action instituted at the request of the **family support** division [of child support enforcement] by a prosecuting or circuit attorney or attorney under contract with such division, if an action for dissolution, annulment, separate maintenance, custody or visitation is joined hereunder, it shall be severed upon request. Failure to join an action for reimbursement of necessities provided with an action brought under sections 210.817 to 210.852 shall not be a bar to subsequently bringing such an action for reimbursement of necessities provided.

2. A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state to an action brought under sections 210.817 to 210.852 with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by rule or statute, including sections 506.160 and 506.510, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail with proof of actual receipt.

3. Notwithstanding subsection 2 of this section, personal jurisdiction may be asserted over any person if there is any basis consistent with the constitution of this state or the United States.

4. An action brought under sections 210.817 to 210.852 may be brought in the county in which the child resides, the mother resides, or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his **or her** estate have been or could be commenced.

210.830. PARTIES — GUARDIAN AD LITEM, WHEN APPOINTED. — The child shall be made a party to any action commenced under sections 210.817 to 210.852. If he **or she** is a minor, he **or she** may be represented by a next friend appointed for him **or her** for any such action. The child's mother or father or the **family support** division [of child support enforcement] or any person having physical or legal custody of the child may represent him **or her** as his **or her** next friend. A guardian ad litem shall be appointed for the child only if child abuse or neglect is alleged, or if the child is named as a defendant, or if the court determines that the interests of the child and his **or her** next friend are in conflict. The natural mother, each man presumed to be the father under section 210.822, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

210.834. BLOOD TESTS — EXPERT DEFINED. — 1. The court may, and upon request of any party shall require the child, mother, alleged father, any presumed father who is a party to the action, and any male witness who testifies or shall testify about his sexual relations with the mother at the possible time of conception, to submit to blood tests. The tests shall be performed by an expert as defined in subsection 7 of this section.

2. The court, upon reasonable request by a party, may order that independent tests be performed by other experts as defined in this section.

3. If any party refuses to submit to blood tests ordered by the court pursuant to subsection 1 or 2 of this section, such refusal shall constitute civil contempt of court and shall be admissible as evidence in the action. In addition, upon motion and reasonable notice to the party refusing to submit to blood tests, the court shall, except for good cause shown, enter an order striking the party's pleadings and rendering a judgment by default on the issue of the existence of the parent-and-child relationship.

4. Whenever the court finds that the results of the blood tests show that a person presumed or alleged to be the father of the child is not the father of such child, such evidence shall be conclusive of nonpaternity and the court shall dismiss the action as to that party, and the cost of such blood tests shall be assessed against the party instituting the action unless the **family support** division [of child support enforcement], through a prosecuting attorney or circuit attorney or other attorney under contract with such division, is a party to such action, in which case the cost of such blood tests shall be assessed against the state. The court shall order the state to pay reasonable attorney's fees for counsel and the costs of any blood tests where such blood tests show that the person presumed or alleged to be the father of the child is not the father of such child and the state proceeds further in an action pursuant to sections 210.817 to 210.852 to attempt to establish that such person is the father of the child.

5. Certified documentation of the chain of custody of the blood or tissue specimens is competent evidence to establish such chain of custody. An expert's report shall be admitted at trial as evidence of the test results stated therein without the need for foundation testimony or other proof of authenticity or accuracy, unless a written motion containing specific factual allegations challenging the testing procedures, the chain of custody of the blood or tissue specimens, or the results has been filed and served on each party, and the motion is sustained by the court or an administrative agency not less than thirty days before the trial.

6. The provisions of subsection 5 of this section shall also apply when the blood tests were not ordered by the court, if the court finds that the tests were conducted by an expert as defined in subsection 7 of this section.

7. As used in sections 210.817 to 210.852, the term "expert" shall include, but not be limited to, a person who performs or analyzes a genetic test of a type generally acknowledged as reliable by accreditation bodies designated by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. 666(a) and performed by a laboratory approved by such accreditation bodies.

210.843. ENFORCEMENT OF JUDGMENT OR ORDER — PAYMENTS TO BE MADE TO CIRCUIT CLERK OR FAMILY SUPPORT PAYMENT CENTER — FAILURE TO COMPLY, CIVIL CONTEMPT. — 1. If the existence of a parent and child relationship is declared, and a duty of support has been established pursuant to sections 210.817 to 210.852, the support obligation may be enforced in the same or in other appropriate proceedings by the mother, the child, the **family support** division [of child support enforcement], or any other public agency that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he or she has furnished or is furnishing these expenses.

2. The court shall order that support payments be made to the clerk of the circuit court as trustee for remittance to the person entitled to receive the payments, or where that person has assigned his or her support rights to the **family support** division [of family services pursuant to] **under** section 208.040 as trustee for remittance to the division, as long as the trusteeship remains in effect. Effective October 1, 1999, the court shall order support payments to be made to the family support payment center as required in section 454.530 as trustee for remittance to the person entitled to receive the payments.

3. Willful failure to obey any judgment or order of the court entered pursuant to this section is a civil contempt of court. Section 452.350 applies to support orders entered pursuant to this section, and all administrative and judicial remedies for the enforcements of judgments shall apply.

210.846. HEARINGS AND RECORDS, CONFIDENTIALITY — INSPECTION ALLOWED, WHEN. — Notwithstanding any other law concerning public hearings and records, any hearing or trial held under sections 210.817 to 210.852 shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records,

other than the interlocutory or final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court, are subject to inspection only by the prosecuting or circuit attorney or attorney under contract with the **family support** division [of child support enforcement] or upon the consent of the court and all interested persons, or in exceptional cases only upon order of the court for good cause shown.

210.870. JUVENILE INFORMATION GOVERNANCE COMMISSION CREATED, MEMBERS, DUTIES, MEETINGS, ANNUAL REPORT. — 1. There is hereby established the "Juvenile Information Governance Commission".

2. The commission shall be composed of the following members:

- (1) The director of the department of mental health;
- (2) The director of the department of health and senior services;
- (3) The commissioner of education;
- (4) The director of the department of social services;
- (5) The director of the **children's** division [of family services] of the department of social services;
- (6) The director of the division of youth services of the department of social services;
- (7) The state courts administrator;
- (8) The superintendent of the highway patrol;
- (9) The chief information officer of the office of information technology of the office of administration;
- (10) One judge who hears juvenile cases in a circuit comprised of one county of the first classification, appointed by the chief justice of the supreme court;
- (11) One judge who hears juvenile cases in a circuit comprised of more than one county, appointed by the chief justice of the supreme court;
- (12) One juvenile officer representing a circuit comprised of one county of the first classification, appointed by the chief justice of the supreme court;
- (13) One juvenile officer representing a circuit comprised of more than one county, appointed by the chief justice of the supreme court.

3. The commission shall authorize categories of information to be shared between executive agencies and juvenile and family divisions of the circuit courts pursuant to section 210.865. The commission shall provide vision, strategy, policy approval and oversight for development and implementation of agency, law enforcement and juvenile and family court information sharing. The commission may appoint subcommittees to address technical and policy issues associated with information sharing, communication, development and implementation.

4. The state courts administrator or a designee shall chair the commission.

5. The commission shall meet as determined by the chair but not less than semiannually. A majority of the members of the commission shall constitute a quorum.

6. No member of the commission shall receive compensation for the performance of duties associated with membership on the commission.

7. Official minutes of all commission meetings shall be prepared by the chair, distributed to the members and filed by the state courts administrator.

8. The commission shall, on January 1, 2002, and annually thereafter on January first of each succeeding year, transmit a report summarizing the commission's findings to the general assembly.

210.900. DEFINITIONS. — 1. Sections 210.900 to 210.936 shall be known and may be cited as the "Family Care Safety Act".

2. As used in sections 210.900 to 210.936, the following terms shall mean:

- (1) "Child-care provider", any licensed or license-exempt child-care home, any licensed or license-exempt child-care center, child-placing agency, residential care facility for children, group home, foster family group home, foster family home, employment agency that refers a child-care

worker to parents or guardians as defined in section 289.005. The term "child-care provider" does not include summer camps or voluntary associations designed primarily for recreational or educational purposes;

(2) "Child-care worker", any person who is employed by a child-care provider, or receives state or federal funds, either by direct payment, reimbursement or voucher payment, as remuneration for child-care services;

(3) "Department", the department of health and senior services;

(4) "Elder-care provider", any operator licensed pursuant to chapter 198 or any person, corporation, or association who provides in-home services under contract with the [division of aging] **department of social services or its divisions**, or any employer of nurses or nursing assistants of home health agencies licensed pursuant to sections 197.400 to 197.477, or any nursing assistants employed by a hospice pursuant to sections 197.250 to 197.280, or that portion of a hospital for which subdivision (3) of subsection 1 of section 198.012 applies;

(5) "Elder-care worker", any person who is employed by an elder-care provider, or who receives state or federal funds, either by direct payment, reimbursement or voucher payment, as remuneration for elder-care services;

(6) "Employer", any child-care provider, elder-care provider, or personal-care provider as defined in this section;

(7) "Mental health provider", any developmental disability facility or group home as defined in section 633.005;

(8) "Mental health worker", any person employed by a mental health provider to provide personal care services and supports;

(9) "Patrol", the Missouri state highway patrol;

(10) "Personal-care attendant" or "personal-care worker", a person who performs routine services or supports necessary for a person with a physical or mental disability to enter and maintain employment or to live independently;

(11) "Personal-care provider", any person, corporation, or association who provides personal-care services or supports under contract with the department of mental health[, the division of aging, the department of health and senior services or the department of elementary and secondary education] **or the department of social services or its divisions**;

(12) "Related child care", child care provided only to a child or children by such child's or children's grandparents, great-grandparents, aunts or uncles, or siblings living in a residence separate from the child or children;

(13) "Related elder care", care provided only to an elder by an adult child, a spouse, a grandchild, a great-grandchild or a sibling of such elder.

210.950. SAFE PLACE FOR NEWBORNS ACT — DEFINITIONS — PROCEDURE — IMMUNITY FROM LIABILITY. — 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020;

(2) "Maternity home", the same meaning as such term is defined in section 135.600;

(3) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(4) "Pregnancy resource center", the same meaning as such term is defined in section 135.630;

(5) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment of a child up to forty-five days old pursuant to this section if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, maternity home, or pregnancy resource center in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than forty-five days old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

(1) A birth parent who has waived anonymity or the child's adoptive parent;

(2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;

(3) A person performing juvenile court intake or dispositional services;

(4) The attending physician;

(5) The child's foster parent or any other person who has physical custody of the child;

(6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;

(7) The attorney representing the interests of the public in proceedings relating to the child; and

(8) The attorney representing the interests of the child.

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than forty-five days old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197.

6. The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the **children's** division [of family services] and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the children's division shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment.

Within thirty days of such public notice, the parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016 to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection 7 of this section.

(2) If either parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, either parent may have all of his or her rights terminated with respect to the child.

(3) When either parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer such parent to the children's division and the juvenile court exercising jurisdiction over the child.

9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

10. The children's division shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

11. It shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no more than one year old under this section.

12. Nothing in this section shall be construed as conflicting with section 210.125.

211.081. PRELIMINARY INQUIRY AS TO INSTITUTION OF PROCEEDINGS — APPROVAL OF DIVISION NECESSARY FOR PLACEMENT OUTSIDE STATE — INSTITUTIONAL PLACEMENTS, FINDINGS REQUIRED, DUTIES OF DIVISION, LIMITATIONS ON JUDGE, FINANCIAL LIMITATIONS.

— 1. Whenever any person informs the court in person and in writing that a child appears to be within the purview of applicable provisions of section 211.031 or that a person seventeen years of age appears to be within the purview of the provisions of subdivision (1) of subsection 1 of section 211.031, the court shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child or person seventeen years of age require that further action be taken. On the basis of this inquiry, the juvenile court may make such informal adjustment as is practicable without a petition or may authorize the filing of a petition by the juvenile officer. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child or person seventeen years of age which would place or commit the child or person seventeen years of age to any location outside the state of Missouri without first receiving the approval of the **children's** division [of family services].

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child or person seventeen years of age and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of

a child or person seventeen years of age which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the **children's** division [of family services] indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child or person seventeen years of age. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child or person seventeen years of age. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child or person seventeen years of age.

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

211.180. FAMILY PRESERVATION SCREENINGS, CONDUCTED WHEN, RESULTS. — Family preservation screenings shall be conducted by the **children's** division [of family services] within seventy-two hours of the removal of a child from the home and placement in the custody of the court. The results of this screening shall be submitted to the juvenile court judge for consideration in the order of disposition or treatment of the child.

211.183. ORDER TO INCLUDE DETERMINATION OF EFFORTS OF DIVISION — DEFINITION OF REASONABLE EFFORTS BY DIVISION — MODIFICATION OF THE PERMANENCY PLAN, WHEN — REASONABLE EFFORTS NOT REQUIRED, WHEN — PERMANENCY HEARING, WHEN. — 1. In juvenile court proceedings regarding the removal of a child from his or her home, the court's order shall include a determination of whether the **children's** division [of family services] has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. "Reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family. In determining reasonable efforts to be made and in making such reasonable efforts, the child's present and ongoing health and safety shall be the paramount consideration.

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.

4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.

5. Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to the division of youth services, the court shall in its orders:

- (1) State whether removal of the child is necessary to protect the child and the reasons therefor;
 - (2) Describe the services available to the family before removal of the child, including in-home services;
 - (3) Describe the efforts made to provide those services relevant to the needs of the family before the removal of the child;
-

(4) State why efforts made to provide family services described did not prevent removal of the child; and

(5) State whether efforts made to prevent removal of the child were reasonable, based upon the needs of the family and child.

6. If continuation of reasonable efforts, as described in this section, is determined by the division to be inconsistent with establishing a permanent placement for the child, the division shall take such steps as are deemed necessary by the division, including seeking modification of any court order to modify the permanency plan for the child.

7. The division shall not be required to make reasonable efforts, as defined in this section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has determined that:

(1) The parent has subjected the child to a severe act or recurrent acts of physical, emotional or sexual abuse toward the child, including an act of incest; or

(2) The parent has:

(a) Committed murder of another child of the parent;

(b) Committed voluntary manslaughter of another child of the parent;

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or

(3) The parent's parental rights to a sibling have been involuntarily terminated.

8. If the court determines that reasonable efforts, as described in this section, are not required to be made by the division, the court shall hold a permanency hearing within thirty days after the court has made such determination. The division shall complete whatever steps are necessary to finalize the permanent placement of the child.

9. The division may concurrently engage in reasonable efforts, as described in this section, while engaging in such other measures as are deemed appropriate by the division to establish a permanent placement for the child.

211.455. PROCEDURE AFTER FILING OF PETITION — DETERMINATION OF SERVICE — EXTENSION OF TIME FOR SERVICE, WHEN — INVESTIGATION. — 1. Within thirty days after the filing of the petition, the juvenile officer shall meet with the court in order to determine that all parties have been served with summons and to request that the court order the investigation and social study.

2. If, at that time, all parties required to be served with summons have not been served, the court, in its discretion, may extend the time for service if the court finds that service may be forthcoming and that the best interests of the child would be served thereby.

3. The court shall order an investigation and social study except in cases filed under section 211.444. The investigation and social study shall be made by the juvenile officer, the state **children's** division [of family services] or a public or private agency authorized or licensed to care for children or any other competent person, as directed by the court, and a written report shall be made to the court to aid the court in determining whether the termination is in the best interests of the child. It shall include such matters as the parental background, the fitness and capacity of the parent to discharge parental responsibilities, the child's home, present adjustment, physical, emotional and mental condition, and such other facts as are pertinent to the determination. Parties and attorneys or guardians ad litem or volunteer advocates representing them before the court shall have access to the written report. All ordered evaluations and reports shall be made available to the parties and attorneys or guardians ad litem or volunteer advocates representing them before the court at least fifteen days prior to any dispositional hearing.

211.477. ORDER OF TERMINATION, WHEN ISSUED — TRANSFER OF LEGAL CUSTODY, TO WHOM — ALTERNATIVES TO TERMINATION — POWER OF COURT — GRANTING OR

DENIAL OF PETITION DEEMED FINAL JUDGMENT. — 1. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists or that the parent has consented to the termination pursuant to section 211.444 and that it is in the best interests of the child, the court may terminate the rights of the parent in and to the child. After ordering termination and after consideration of the social study and report, the court shall transfer legal custody to:

- (1) The **children's** division [of family services];
- (2) A private child-placing agency;
- (3) A foster parent, relative or other person participating in the proceedings pursuant to section 211.464; or

- (4) Any other person or agency the court deems suitable to care for the child.

2. If only one parent consents or if the conditions specified in section 211.447 are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the other parent shall not be affected.

3. The court may order termination whether or not the child is in adoptive placement or an adoptive placement is available for the child.

4. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists, but that termination is not in the best interests of the child because the court finds that the child would benefit from the continued parent-child relationship or because the child is fourteen or more years of age and objects to the termination, the court may:

- (1) Dismiss the petition and order that the child be returned to the custody of the parent;
- (2) Retain jurisdiction of the case and order that the child be placed in the legal custody of the parent, the division, a private child-caring or placing agency, a foster parent, relative or other suitable person who is able to provide long-term care for the child. Any order of the court under this subdivision shall designate the period of time it shall remain in effect, with mandatory review by the court no later than six months thereafter. The court shall also specify what residual rights and responsibilities remain with the parent. Any individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court; or

- (3) Appoint a guardian under the provisions of chapter 475.

5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall recite the jurisdictional facts, factual findings on the existence of grounds for termination and that the best interests of the child are served by the disposition stated in the order.

6. The granting or denial of a petition for termination of parental rights shall be deemed a final judgment for purposes of appeal.

217.575. SALES OF GOODS OR SERVICES TO STATE OR POLITICAL SUBDIVISIONS — PROMOTION — PRICE — CERTIFICATION OF NONAVAILABILITY REQUIRED FOR STATE PURCHASES, WHEN. — 1. All goods manufactured, services provided or produce of the vocational enterprises program of the state shall, upon the requisition of the proper official, be furnished to the state, to any public institution owned, managed or controlled by the state, or to any private entity that is leasing space to any agency of the state government for use in space leased to the state agency, at such prices as shall be determined as provided in subsection 4 of this section.

2. No goods or services so manufactured, provided or produced shall be purchased from any other source for the state or public institutions of the state unless the department shall certify the goods or services included in the requisition cannot be furnished or supplied by the vocational enterprises program within ninety days, or, in the event the same goods or services cannot be procured on the open market within ninety days, that the vocational enterprises program cannot supply them within a reasonable time. No claims for the payment of such goods or services shall be audited or paid without this certificate. One copy each of the requisition or certificate shall be retained by the department.

3. The division of purchasing and the division of **facilities management**, design and construction shall cooperate with the department in seeking to promote for use by state agencies and in state-owned or -occupied facilities the products manufactured and services provided by the vocational enterprises program.

4. The vocational enterprises program shall fix and determine the prices at which goods and produce so manufactured and produced and services so provided shall be furnished, and the prices shall be uniform to all. The cost shall not be fixed at more than the market price for like goods and services.

5. Any differences between the vocational enterprises program and the state, its departments, divisions, agencies, institutions, or the political subdivisions of the state as to style, design, price or quality of goods shall be submitted to arbitrators whose decision shall be final. One of the arbitrators shall be named by the program, one by the office, department, political subdivision or institution concerned, and one by agreement of the other two. The arbitrators shall receive no compensation; however, their necessary expenses shall be paid by the office, department, political subdivision or institution against which the award is given, or, in the event of a compromise decision, by both parties, the amount to be paid by each party in portions to be determined by the arbitrators.

6. The vocational enterprises program may sell office systems and furniture to any department, agency, or institution of the state or any political subdivision of the state either through outright purchase or through payment plan agreement, including handling charges, over a specified number of months contingent on the solvency of the working capital revolving fund. Prior approval shall be required by the division of **facilities management**, design and construction for state agencies in situations where the office of administration controlled state-owned office space is involved and space in which a lease contract executed by the office of administration is in effect.

226.008. RESPONSIBILITIES AND AUTHORITY OF HIGHWAYS AND TRANSPORTATION COMMISSION — TRANSFER OF AUTHORITY TO DEPARTMENT OF TRANSPORTATION. — 1. The highways and transportation commission shall have responsibility and authority, as provided in this section and sections 104.805, 389.005, 389.610, and 621.040, for the administration and enforcement of:

(1) Licensing, supervising and regulating motor carriers for the transportation of passengers, household goods and other property by motor vehicles within this state;

(2) Licensing motor carriers to transport hazardous waste, used oil, infectious waste and permitting waste tire haulers in intrastate or interstate commerce, or both, by motor vehicles within this state;

(3) Compliance by motor carriers and motor private carriers with applicable requirements relating to safety and hazardous materials transportation, within the terminals of motor carriers and motor private carriers of passengers or property;

(4) Compliance by motor carriers and motor private carriers with applicable requirements relating to safety and hazardous materials transportation wherever they possess, transport or deliver hazardous waste, used oil, infectious waste or waste tires. This authority is in addition to, and not exclusive of, the authority of the department of natural resources to ensure compliance with any and all applicable requirements related to the transportation of hazardous waste, used oil, infectious waste or waste tires;

(5) Collecting and regulating amounts payable to the state from interstate motor carriers in accordance with the provisions of the International Fuel Tax Agreement in accordance with section 142.617, and any successor or similar agreements, including the authority to impose and collect motor fuel taxes due pursuant to chapter 142, and such agreement;

(6) Registering and regulating interstate commercial motor vehicles operated upon the highways of this state, in accordance with the provisions of the International Registration Plan

in accordance with sections 301.271 through 301.277, and any successor or similar agreements, including the authority to issue license plates in accordance with sections 301.130 and 301.041;

(7) Permitting the transportation of over dimension or overweight motor vehicles or loads that exceed the maximum weights or dimensions otherwise allowed upon the public highways within the jurisdiction of the highways and transportation commission; and

(8) Licensing intrastate housemovers.

2. The highways and transportation commission shall carry out all powers, duties and functions relating to intrastate and interstate transportation previously performed by:

(1) The division of motor carrier and railroad safety within the department of economic development, and all officers or employees of that division;

(2) The department of natural resources, and all officers or employees of that division, relating to the issuance of licenses or permits to transport hazardous waste, used oil, infectious waste or waste tires by motor vehicles operating within the state;

(3) The highway reciprocity commission within the department of revenue, and all officers or employees of that commission; and the director of revenue's powers, duties and functions relating to the highway reciprocity commission, except that the highways and transportation commission may allow the department of revenue to enforce the provisions of the International Fuel Tax Agreement, as required by such agreement; and

(4) The motor carrier services unit within the traffic functional unit of the department of transportation, relating to the special permitting of operations on state highways of motor vehicles or loads that exceed the maximum length, width, height or weight limits established by law or by the highways and transportation commission.

3. All the powers, duties and functions described in subsections 1 and 2 of this section, including but not limited to, all powers, duties and functions pursuant to chapters 387, 390 and 622, including all rules and orders, are hereby transferred to the department of transportation, which is in the charge of the highways and transportation commission, by type I transfer, as defined in the Omnibus State Reorganization Act of 1974, and the preceding agencies and officers shall no longer be responsible for those powers, duties and functions.

4. All the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety, as amended by the provisions of this section and sections 104.805, 389.005, 389.610, and 621.040, are hereby transferred to the administrative hearing commission within the state office of administration.

5. The division of motor carrier and railroad safety and the highway reciprocity commission are abolished.

6. Personnel previously employed by the division of motor carrier and railroad safety and the highway reciprocity commission shall be transferred to the department of transportation, but the department of natural resources shall not be required to transfer any personnel pursuant to this section. The administrative law judge within the division of motor carrier and railroad safety shall be transferred to the administrative hearing commission.

7. Credentials issued by the transferring agencies or officials before July 11, 2002, shall remain in force or expire as provided by law. In addition, the highways and transportation commission shall have the authority to suspend, cancel or revoke such credentials after July 11, 2002.

8. Notwithstanding any provision of law to the contrary, on and after July 11, 2002, all surety bonds, cash bonds, certificates of deposit, letters of credit, drafts, checks or other financial instruments payable to:

(1) The highway reciprocity commission or the department of revenue pursuant to section 301.041 or pursuant to the International Fuel Tax Agreement; or

(2) Any other agency or official whose powers, duties or functions are transferred pursuant to this section, shall be payable instead to the state highways and transportation commission.

9. The department of natural resources shall have authority to collect and establish by rule the amount of the fee paid by applicants for a permit to transport waste tires.

10. The Missouri hazardous waste management commission created in section 260.365 shall have the authority to collect and establish by rule the amount of the fee paid by applicants for a license to transport hazardous waste, used oil, or infectious waste pursuant to section 260.395.

11. All of the authority, powers, duties, and functions of the division of highway safety relating to the motorcycle safety program under sections 302.133 to 302.138, the driver improvement program authorized under section 302.178, the ignition interlock program under sections 577.600 to 577.614, and other state highway safety programs as provided by state law, including all administrative rules promulgated thereunder, are hereby transferred to the department of transportation, which is in charge of the state highways and transportation commission, by type I transfer as set forth in the Omnibus State Reorganization Act of 1974.

226.805. INTERSTATE AGENCY COMMITTEE ON SPECIAL TRANSPORTATION CREATED — MEMBERS — POWERS AND DUTIES. — 1. There is hereby created the "Interagency Committee on Special Transportation" within the Missouri department of transportation. The members of the committee shall be: The assistant for transportation of the Missouri department of transportation, or his **or her** designee; the assistant commissioner of the department of elementary and secondary education, responsible for special transportation, or his **or her** designee; the director of the [division of aging of the] department of [social] **health and senior** services, or [his] **the director's** designee; the director of the **children's** division [of family services] of the department of social services, or [his] **the director's** designee; the deputy director for mental retardation/developmental disabilities and the deputy director for administration of the department of mental health, or their designees; the executive secretary of the governor's committee on the employment of the handicapped; and other state agency representatives as the governor deems appropriate for temporary or permanent membership by executive order.

2. The interagency committee on special transportation shall:

(1) Jointly designate substate special transportation planning and service areas within the state;

(2) Jointly designate a special transportation planning council for each special transportation planning and service area. The special transportation planning council shall be composed of the area agency on aging, the regional center for developmental disabilities, the regional planning commission and other local organizations responsible for funding and organizing special transportation designated by the interagency committee. The special transportation planning councils will oversee and approve the preparation of special transportation plans. Staff support for the special transportation planning councils will be provided by the regional planning commissions serving the area with funds provided by the department of transportation for this purpose;

(3) Jointly establish a uniform planning format and content;

(4) Individually and jointly establish uniform budgeting and reporting standards for all transportation funds administered by the member agencies. These standards shall be adopted into the administrative rules of each member agency;

(5) Individually establish annual allocations of funds to support special transportation services in each of the designated planning and service areas;

(6) Individually and jointly adopt a five-year planning budget for the capital and operating needs of special transportation in Missouri;

(7) Individually develop administrative and adopt rules for the substate division of special transportation funds;

(8) Jointly review and accept annual capital and operating plans for the designated special transportation planning and service areas;

(9) Individually submit proposed expenditures to the interagency committee for review as to conformity with the areas special transportation plans. All expenditures are to be made in accordance with the plans or by special action of the interagency committee.

3. The assistant for transportation of the Missouri department of transportation shall serve as chairman of the committee.

4. Staff for the committee shall be provided by the Missouri department of transportation.

5. The committee shall meet on such a schedule and carry out its duties in such a way as to discharge its responsibilities over special transportation expenditures made for the state fiscal year beginning July 1, 1989, and all subsequent years.

251.100. OFFICE OF DEPARTMENT TO BE IN JEFFERSON CITY. — The division of [planning] **facilities management, design** and construction shall furnish office space for the department, the headquarters of which department shall be located in Jefferson City, Missouri.

251.240. STATE OFFICE IN JEFFERSON CITY. — The division of **facilities management, design** and construction shall furnish office space for the state office; the headquarters office shall be located in Jefferson City, Missouri.

253.320. CONDITIONS REQUIRED IN LEASES — EFFECT OF ENCUMBRANCES OF LESSEE. — Any lease granted under the provisions of sections 253.290 to 253.320 shall be conditioned as follows and also contain such provisions as the attorney general may prescribe:

(1) The director of the department of natural resources shall retain the right to enter upon the lands at all times;

(2) The director shall control the style of architecture used in construction on the lands, and the quality of materials used in said construction shall be approved by the director of the division of **facilities management, design** and construction for the state of Missouri, and may control all fees and prices charged to the public as may be required by the director;

(3) The director shall inspect and audit the books and records of the lessee at least once every two years;

(4) The lessee shall provide such care, maintenance, repair, conservation and improvement of the lands and shall render such services to the public as may be required by the director;

(5) The lessee shall keep true and accurate records of his **or her** receipts and disbursements arising out of the operation of facilities upon the leased lands and shall permit the director to inspect and audit them at all reasonable times;

(6) Nothing in sections 253.290 to 253.320 shall be construed as denying the lessees the right to execute mortgages and other evidences of interest in or indebtedness upon their leasehold interest or properties thereon for the purpose of installing, enlarging or improving plant and equipment and extending facilities for the accommodation of the public within said state park; provided, however, that no such mortgage or other encumbrance shall be valid unless authorized and approved by the written order of the director; and further provided that the period for payment of such mortgage or indebtedness shall not extend beyond the lease period, and that no obligation or indebtedness shall incur to the state.

261.010. DEPARTMENT AUTHORIZED — DIRECTOR, HOW APPOINTED, QUALIFICATIONS. — There is created a "Department of Agriculture", the main office of which shall be in Jefferson City in quarters provided by the division of **facilities management, design** and construction. The governor, by and with the advice and consent of the senate, shall appoint a director of the department of agriculture who shall be a practical farmer, well versed in agricultural science and who shall serve at the pleasure of the governor. The director shall be in charge of the department of agriculture.

285.300. WITHHOLDING FORM, COMPLETION REQUIRED — FORWARDING TO STATE AGENCIES — STATE DIRECTORY OF NEW HIRES, CROSS-CHECK OF UNEMPLOYMENT COMPENSATION RECIPIENTS — COMPLIANCE BY EMPLOYERS WITH EMPLOYEES IN TWO OR MORE STATES. — 1. Every employer doing business in the state shall require each newly hired employee to fill out a federal W-4 withholding form. A copy of each withholding form or an equivalent form containing data required by section 285.304 which may be provided in an electronic or magnetic format shall be sent to the department of revenue by the employer within twenty days after the date the employer hires the employee or in the case of an employer transmitting a report magnetically or electronically, by two monthly transmissions, if necessary, not less than twelve days nor more than sixteen days apart. For purposes of this section, the date the employer hires the employee shall be the earlier of the date the employee signs the W-4 form or its equivalent, or the first date the employee reports to work, or performs labor or services. Such forms shall be forwarded by the department of revenue to the **family support** division [of child support enforcement] on a weekly basis and the information shall be entered into the database, to be known as the "State Directory of New Hires". The information reported shall be provided to the National Directory of New Hires established in 42 U.S.C. section 653, other state agencies or contractors of the division as required or allowed by federal statutes or regulations. The division of employment security shall cross-check Missouri unemployment compensation recipients against any federal new hire database or any other database containing Missouri or other states' wage information which is maintained by the federal government on a weekly basis. The division of employment security shall cross-check unemployment compensation applicants and recipients with Social Security Administration data maintained by the federal government at least weekly. Effective January 1, 2007, the division of employment security shall cross-check at least monthly unemployment compensation applicants and recipients with department of revenue drivers license databases.

2. Any employer that has employees who are employed in two or more states and transmits reports magnetically or electronically may comply with subsection 1 of this section by:

- (1) Designating one of the states in which the employer has employees as the designated state that such employer shall transmit the reports; and
- (2) Notifying the secretary of Health and Human Services of such designation.

288.220. ADMINISTRATION OF LAW — DIRECTOR — STATE UNEMPLOYMENT INSURANCE OPERATION — RULES AND REGULATIONS. — 1. Subject to the supervision of the director of the department of labor and industrial relations, the division of employment security of the department of labor and industrial relations shall be under the control, management and supervision of a director who shall be appointed by the governor, by and with the advice and consent of the senate. The director shall serve at the pleasure of the governor.

2. The division shall be responsible for administering the Missouri state [employment service operation, the] unemployment insurance operation and any other operations as are necessary to administer the state's employment security law.

3. The central office of the division shall be maintained in the City of Jefferson.

4. Subject to the supervision and approval of the director of the department of labor and industrial relations, it shall be the duty of the director to administer this law; and [he] **the director** shall have power and authority to adopt, amend, or rescind any regulations as [he] **the director** deems necessary to the efficient internal management of the division. The director shall determine the division's organization and methods of procedure. Subject to the provisions of the state merit system law, chapter 36, the director shall employ and prescribe the duties and powers of the persons as may be necessary. The director shall collaborate with the personnel director and the personnel advisory board in establishing for employees of the division salaries comparable to the salaries paid by other states of a similar size and volume of operations to employees engaged in the administration of the employment security programs of those states. The director may delegate to any such person the power and authority as [he] **the director** deems reasonable

and proper for the effective administration of the law, and may in [his] **the director's** discretion bond any person handling moneys or signing checks. Further, the director shall have the power to make expenditures, require reports, make investigations and take other action not inconsistent with this law as he **or she** considers necessary to the efficient and proper administration of the law.

5. Subject to the approval of the director of the department of labor and industrial relations and the commission, the director shall adopt, amend or rescind the rules and regulations as are necessary to implement any of the provisions of this law not relating to the internal management of the division; however, the rules and regulations shall not become effective until ten days after their approval by the commission and copies thereof have been filed in the office of the secretary of state.

301.020. APPLICATION FOR REGISTRATION OF MOTOR VEHICLES, CONTENTS — CERTAIN VEHICLES, SPECIAL PROVISIONS — PENALTY FOR FAILURE TO COMPLY — OPTIONAL BLINDNESS ASSISTANCE DONATION — DONATION TO ORGAN DONOR PROGRAM PERMITTED. — 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in

section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under [and pursuant to] subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section [192.935] **209.015**. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section [192.935,] **209.015**; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

302.133. DEFINITIONS. — As used in sections 302.133 to 302.138, the following terms mean:

- (1) "**Commission**", the state highways and transportation commission;
- (2) "Department", the department of [public safety] **transportation**;
- [(2)] (3) "Director", the director of the department of [public safety] **transportation**;
- [(3)] (4) "Instructor", a licensed motorcycle operator who meets the standards established by the [department] **commission** to teach the motorcycle rider training course;
- [(4)] (5) "Motorcycle", a motorcycle or motortricycle as those terms are defined by section 301.010;
- [(5)] (6) "Motorcycle rider training course", a motorcycle rider education curriculum and delivery system approved by the [department] **commission** as meeting standards designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle.

302.134. MOTORCYCLE SAFETY EDUCATION PROGRAM, COMMISSION TO ESTABLISH AND SET STANDARDS, PROGRAM TO INCLUDE CERTAIN SUBJECTS — AUTHORITY TO ADOPT RULES, PROCEDURE TO ADOPT, SUSPEND AND REVOKE. — 1. The [department] **commission** shall establish standards for and shall administer the motorcycle safety education program. The program shall include, but is not limited to, motorcycle rider training and instructor training courses. The [department] **commission** may expand the program to include components relating to the effect of alcohol and drugs on motorcycle operation, public awareness of motorcycles on the highways, driver improvement for motorcyclists, motorcycle operator licensing improvement, program promotion, and other motorcycle safety efforts.

2. Standards adopted by the [department] **commission** for the motorcycle safety education program, including standards for instructor qualification and standards for the motorcycle rider training and instructor training courses, shall, at a minimum, comply with the applicable standards of the Motorcycle Safety Foundation.

3. The [department] **commission** shall promulgate rules and regulations necessary to administer the provisions of sections 302.133 to 302.138.

4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

5. Upon filing any proposed rule with the secretary of state, the [department] **commission** shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

6. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the [department] **commission** may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

7. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

8. If the committee disapproves any rule or portion thereof, the [department] **commission** shall not file such disapproved portion of any rule with the secretary of state and the secretary

of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

9. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

10. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

302.135. PRIVATE OR PUBLIC INSTITUTIONS MAY ALSO CONDUCT MOTORCYCLE TRAINING COURSES, TUITION FEE MAY BE CHARGED — CERTIFICATE TO BE ISSUED — STICKER ON DRIVER'S LICENSE AS EVIDENCE OF COMPLETED COURSE. — 1. The [department] **commission** may enter into contracts with public or private institutions or organizations for technical assistance in conducting motorcycle rider training courses and instructor training courses if they are administered and taught in accordance with standards established by the [department] **commission**.

2. The department or a contracting institution or organization conducting a course may charge a reasonable tuition fee as determined by the [director] **commission**.

3. The [department] **director** shall issue certificates of completion in the manner and form prescribed by the [director] **commission** to persons who satisfactorily complete the requirements of the state-approved course. Completion of the course shall be indicated upon the person's driver's license. A sticker or other evidence of completion shall be issued for the license until the license is subsequently renewed.

302.137. MOTORCYCLE SAFETY TRUST FUND ESTABLISHED, PURPOSE — OPERATORS OF MOTORCYCLES OR MOTORTRICYCLES IN VIOLATION OF LAWS OR ORDINANCES TO BE ASSESSED SURCHARGE, COLLECTION, DISTRIBUTION. — 1. There is hereby created in the state treasury for use by the [department of public safety] **commission** a fund to be known as the "Motorcycle Safety Trust Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the motorcycle safety education program established pursuant to sections 302.133 to 302.138 shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the [department of public safety], be received and expended by the [department] **commission** of public safety for the purpose of funding the motorcycle safety education program established under sections 302.133 to 302.138. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the motorcycle safety trust fund at the end of any biennium shall not be transferred to the general revenue fund.

2. In all criminal cases, including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of one dollar. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

3. Such surcharge shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid to the state treasury to the credit of the motorcycle safety trust fund established in this section.

302.171. APPLICATION FOR LICENSE — FORM — CONTENT — EDUCATIONAL MATERIALS TO BE PROVIDED TO APPLICANTS UNDER TWENTY-ONE — VOLUNTARY CONTRIBUTION TO ORGAN DONATION PROGRAM — INFORMATION TO BE INCLUDED IN REGISTRY — VOLUNTARY CONTRIBUTION TO BLINDNESS ASSISTANCE — EXEMPTION FROM REQUIREMENT TO PROVIDE PROOF OF RESIDENCY — ONE-YEAR RENEWAL, REQUIREMENTS.

— 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the

organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol shall be placed on the front of the document indicating the applicant's desire to be listed in the registry. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section [192.935] **209.015**. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section [192.935] **209.015**; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

5. All appeals of denials under this section shall be made as required by section 302.311.

6. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

7. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

8. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

10. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department

may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.

302.178. INTERMEDIATE DRIVER'S LICENSE, ISSUED TO WHOM, REQUIREMENTS, LIMITATIONS, FEE, DURATION, POINT ASSESSMENT — PENALTY, APPLICATION FOR FULL DRIVING PRIVILEGES, REQUIREMENTS — EXCEPTIONS — PENALTY — RULEMAKING AUTHORITY, PROCEDURE. — 1. Any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 4 of this section;
- (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
- (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least forty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:
 - (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080;
 - (b) Has been declared emancipated by a court of competent jurisdiction;
 - (c) Enters active duty in the Armed Forces;
 - (d) Has written consent to the emancipation from the custodial parent or legal guardian; or
 - (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;
- (5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and
- (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation.

3. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle. For the first six months after issuance of the

intermediate driver's license, the holder of the license shall not operate a motor vehicle with more than one passenger who is under the age of nineteen who is not a member of the holder's immediate family. As used in this subsection, an intermediate driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the intermediate driver's license holder. After the expiration of the first six months, the holder of an intermediate driver's license shall not operate a motor vehicle with more than three passengers who are under nineteen years of age and who are not members of the holder's immediate family. The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.

4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

5. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement program approved by the [director of the department of public safety] **state highways and transportation commission**. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years or within the thirty days immediately preceding their eighteenth birthday may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday, such license shall remain valid for the five business days immediately following the expiration date. In no case shall a licensee whose intermediate driver's license expires on a Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's license if such offense occurred within five business days immediately following an expiration date that occurs on a Saturday, Sunday, or legal holiday.

(3) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

7. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, cancelled or revoked in this state or any other state for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

8. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

9. Any person who violates any of the provisions of this section relating to intermediate drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits is guilty of an infraction, and no points shall be assessed to his or her driving record for any such violation.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and

is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

311.650. OFFICES OF SUPERVISOR. — The principal office of the supervisor of liquor control shall be at the seat of government at Jefferson City, and the director of the division of **facilities management**, design and construction at the capitol shall provide offices for the liquor control department.

313.210. COMMISSION ESTABLISHED — OFFICES — ASSIGNMENT TO DEPARTMENT. — The "State Lottery Commission" is hereby created. The commission shall control and manage the state lottery. The principal office of the commission shall be located in Jefferson City in quarters provided by the division of **facilities management**, design and construction. That division shall also arrange for other needed office space for the commission or its staff. The commission shall be assigned to the department of revenue as a type III division, but the director of the department of revenue has no supervision, authority or control over the actions or decisions of the lottery commission or the director of the state lottery.

320.260. OFFICE SPACE TO BE PROVIDED. — The division of **facilities management**, design and construction shall provide office space for the state fire marshal and his **or her** employees.

324.032. REGISTRY OF LICENSES, PERMITS, AND CERTIFICATES ISSUED, CONTENTS — COPYING OF REGISTRY INFORMATION. — The division of professional registration shall maintain, for each board in the division, a registry of each person holding a current license, permit, or certificate issued by that board. The registry shall contain the name, Social Security number, and address of each person licensed or registered together with other relevant information as determined by the board. The registry for each board shall at all times be available to the board and copies shall be supplied to the board on request. Copies of the registry, except for the registrant's Social Security number, shall be available from the division or the board to any individual who pays the reasonable copying cost. Any individual may copy the registry during regular business hours. The information in the registry shall be furnished upon request to the **family support** division [of child support enforcement]. Questions concerning the currency of license of any individual shall be answered, without charge, by the appropriate board. Each year each board may publish, or cause to be published, a directory containing the name and address of each person licensed or registered for the current year together with any other information the board deems necessary. Any expense incurred by the state relating to such publication shall be charged to the board. An official copy of any such publication shall be filed with the director.

334.125. SEAL — REGULATIONS — OFFICES — RULEMAKING, PROCEDURE, THIS CHAPTER. — 1. The board shall have a common seal and shall formulate rules and regulations to govern its actions. Provision shall be made by the division of **facilities management**, design and construction for office facilities in Jefferson City, Missouri, where the records and register of the board shall be maintained.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

338.314. INSPECTION OF PHARMACY WITHIN CERTAIN FACILITIES AUTHORIZED — APPLICABILITY OF LAW. — Nothing in sections 338.010 to 338.315 shall authorize the board

of pharmacy to conduct an inspection of a long-term care facility licensed under the provisions of chapter 198 by the Missouri [division of aging or its successors] **department of health and senior services**, except that the board of pharmacy may inspect any licensed pharmacy located within a long-term care facility. However, the provisions of sections 338.010 to 338.315 shall apply to all individuals licensed as a pharmacist and practicing pharmacy as defined in section 338.010.

361.010. DIVISION OF FINANCE CREATED — LOCATION OF OFFICE — TRANSFER OF DIVISION. — 1. There is hereby created a "State Division of Finance", which shall be under the management and control of a chief officer who shall be called the "Director of Finance".

2. The director of finance shall maintain his **or her** office at the City of Jefferson, reside in the state of Missouri, and shall devote all of his **or her** time to the duties of his **or her** office. The division of **facilities management**, design and construction is hereby required to provide the director of finance and the state division of finance with suitable rooms.

3. The division of finance with all of its powers, duties, and functions is assigned by type III transfer under the authority of the Omnibus State Reorganization Act of 1974 and executive order 06-04 to the department of insurance, financial institutions and professional registration. All of the general provisions, definitions, and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and executive order 06-04 shall apply to this department and its divisions, agencies, and personnel.

4. Wherever the laws, rules, or regulations of this state make reference to the "division of finance of the department of economic development" or to the "division of finance", such references shall be deemed to refer to the division of finance of the department of insurance, financial institutions and professional registration.

376.819. MOHEALTHNET DIVISION TO HAVE RIGHT TO PAYMENT FOR HEALTH CARE SERVICES PROVIDED. — To the extent that payment has been made by the **MO HealthNet** division [of medical services] for health care items or services furnished to a Medicaid-eligible individual, the **MO HealthNet** division [of medical services] is considered to have acquired the rights of the Medicaid-eligible individual to payment by any insurer or other party obligated to cover such health care items or services.

452.345. MAINTENANCE OR SUPPORT PAYMENTS TO CIRCUIT CLERK OR FAMILY SUPPORT PAYMENT CENTER, WHEN — PROCEDURE — DUTIES OF PARTIES — FAILURE TO PAY, CIRCUIT CLERK DUTIES. — 1. As used in sections 452.345 to 452.350, the term "IV-D case" shall mean a case in which support rights have been assigned to the state of Missouri or where the **family support** division [of child support enforcement] is providing support enforcement services pursuant to section 454.400.

2. At any time the court, upon its own motion, may, or upon the motion of either party shall, order that maintenance or support payments be made to the circuit clerk as trustee for remittance to the person entitled to receive the payments. The circuit clerk shall remit such support payments to the person entitled to receive the payments within three working days of receipt by the circuit clerk. Circuit clerks shall deposit all receipts no later than the next working day after receipt. Payment by a nonguaranteed negotiable financial instrument occurs when the instrument has cleared the depository institution and has been credited to the trust account. Effective October 1, 1999, at any time the court may upon its own motion, or shall upon the motion of either party, order that support payments as required by section 454.530 be made to the family support payment center established in section 454.530 as trustee for remittance to the person entitled to receive the payments. However, in no case shall the court order payments to be made to the payment center if the **family support** division [of child support enforcement] notifies the court that such payments shall not be made to the center. In such cases, payments shall be made to the clerk as trustee until the division notifies the court that payments shall be

directed to the payment center. Further, with the agreement of the division, the court may order payments to be made to the payment center prior to October 1, 1999.

3. The circuit clerk shall maintain records in the automated child support system which list the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order. Nothing in this section shall prohibit the **family support** division [of child support enforcement] from entering information in the records of the automated child support system, as provided for in chapter 454.

4. The parties affected by the order shall inform the circuit clerk or the payment center established in section 454.530 of any change of address or of other conditions that may affect the administration of the order.

5. For any case in which an order for support or maintenance was entered prior to January 1, 1994, which has not been modified subsequent to that date, except a IV-D case, if a party becomes delinquent in maintenance or support payments in an amount equal to one month's total support obligation, the provisions of this subsection shall apply. If the circuit clerk has been appointed trustee under subsection 2 of this section, or if the person entitled to receive the payments files with the clerk an affidavit stating the particulars of the obligor's noncompliance, the circuit clerk shall send by regular mail notice of the delinquency to the obligor. This notice shall advise the obligor of the delinquency, shall state the amount of the obligation, and shall advise that the obligor's income is subject to withholding for repayment of the delinquency and for payment of current support, as provided in section 452.350. For such cases, the circuit clerk shall, in addition to the notice to the obligor, send by regular mail a notice to the obligee. This notice shall state the amount of the delinquency and shall advise the obligee that income withholding, pursuant to section 452.350, is available for collection of support delinquencies and current support, and if the support order includes amounts for child support, that support enforcement services, pursuant to section 454.425, are available through the Missouri **family support** division [of child support enforcement] of the department of social services.

452.346. MEDICAL ASSISTANCE DOCUMENTATION PROVIDED, WHEN. — Upon written request of a parent of a child, as defined in section [452.302] **452.160**, who is receiving medical assistance pursuant to section 208.151, the **family support** division [of child support enforcement] shall provide such parent with documentation that allows the child to obtain medical assistance. This section shall not apply to parents of children in the custody of a public agency.

452.347. NOTICE OF A CHILD SUPPORT ESTABLISHMENT OR MODIFICATION PROCEEDING, WHEN — COPY OF THE ORDER PROVIDED, WHEN. — In any proceeding before a court where child support may be established or modified for an applicant or recipient of child support services pursuant to chapter 454:

(1) The applicant or recipient of child support enforcement services shall be provided by any other party with notice pursuant to Rule 41 of the Missouri rules of civil procedures of all proceedings in which support obligations may be established or modified. Notice to an attorney representing a party is deemed notice on the party for purposes of this section; and

(2) A copy of any order establishing or modifying a child support obligation, or an order denying a modification shall be mailed to the **family support** division [of child support enforcement] by the court within fourteen days of issuance of such order.

452.350. WITHHOLDING OF INCOME, VOLUNTARY OR COURT MAY ORDER, WHEN, WHEN EFFECTIVE — HEARING, WHEN — EMPLOYER, DUTIES, LIABILITIES, FEE — DISCHARGE OR DISCIPLINE OF EMPLOYEE BECAUSE OF A WITHHOLDING NOTICE PROHIBITED, PENALTY — CIVIL CONTEMPT PROCEEDING AUTHORIZED — AMENDMENT, TERMINATION AND PRIORITIES OF WITHHOLDINGS. — 1. Until January 1, 1994, except for orders entered or modified in IV-D cases, each order for child support or maintenance entered

or modified by the court pursuant to the authority of this chapter, or otherwise, shall include a provision notifying the person obligated to pay such support or maintenance that, upon application by the obligee or the Missouri **family support** division [of child support enforcement] of the department of social services, the obligor's wages or other income shall be subject to withholding without further notice if the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation. The order shall also contain provisions notifying the obligor that:

- (1) The withholding shall be for the current month's maintenance and support; and
- (2) The withholding shall include an additional amount equal to fifty percent of one month's child support and maintenance to defray delinquent child support and maintenance, which additional withholding shall continue until the delinquency is paid in full.

2. For all orders entered or modified in IV-D cases, and effective January 1, 1994, for every order for child support or maintenance entered or modified by the court pursuant to the authority of this chapter, or otherwise, income withholding pursuant to this section shall be initiated on the effective date of the order, except that such withholding shall not commence with the effective date of the order in any case where:

- (1) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding must be based on, at least, a written determination and an explanation by the court that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

- (2) A written agreement is reached between the parties that provides for an alternative arrangement. If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section without further exception on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation. Such withholding shall be initiated in the manner provided in subsection 4 of this section. All IV-D orders entered or modified by the court shall contain a provision notifying the obligor that he or she shall notify the **family support** division [of child support enforcement] regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. Any income withheld pursuant to this section for a support order initially entered on or after October 1, 1999, shall be paid to the payment center pursuant to section 454.530. Any order of the court entered on or after October 1, 1999, establishing the withholding for a support order as defined in section 454.460, or notice from the clerk issued on or after October 1, 1999, pursuant to this section for a support order shall require payment to the payment center pursuant to section 454.530.

3. The provisions of section 432.030 to the contrary notwithstanding, if income withholding has not been initiated on the effective date of the initial or modified order, the obligated party may execute a voluntary income assignment at any time, which assignment shall be filed with the court and shall take effect after service on the employer or other payer.

4. The circuit clerk, upon application of the obligee or the **family support** division [of child support enforcement], shall send, by certified mail, return receipt requested, a written notice to the employer or other payer listed on the application when the obligated party is subject to withholding pursuant to the child support order or subsection 2 of this section. For orders entered or modified in cases known by the circuit clerk to be IV-D cases in which income withholding is to be initiated on the effective date of the order, and effective January 1, 1994, for all orders entered or modified by the court in which income withholding is to be initiated on the effective date of the order, the circuit clerk shall send such notice to the employer or other payer in the manner provided by this section at the time the order is entered without application of any party

when an employer or other payer is identified to the circuit clerk by inclusion in the pleadings pursuant to section 452.312, or otherwise. The notice of income withholding shall be prepared by the person entitled to support pursuant to the order, or the legal representative of that person, on a form prescribed by the court, and shall be presented to the clerk of the court at the time the order of support is entered. The notice shall direct the employer or other payer to withhold each month an amount equal to one month's child support and maintenance until further notice from the court. In the event of a delinquency in child support or maintenance payments in an amount equal to one month's total support obligation, the notice further shall direct the employer or other payer to withhold each month an additional amount equal to fifty percent of one month's child support and maintenance until the support delinquency is paid in full. The notice shall also include a statement of exemptions which may apply to limit the portion of the obligated party's disposable earnings which are subject to the withholding pursuant to federal or state law and notify the obligor that the obligor may request a hearing and related information pursuant to this section. The notice shall contain the Social Security number of the obligor if available. The circuit clerk shall send a copy of this notice by regular mail to the last known address of the obligated party. A notice issued pursuant to this section shall be binding on the employer or other payer, and successor employers and payers, two weeks after mailing, and shall continue until further order of the court or the **family support** division [of child support enforcement]. If the notice does not contain the Social Security number of the obligor, the employer or other payer shall not be liable for withholding from the incorrect obligor. The obligated party may, within that two-week period, request a hearing on the issue of whether the withholding should take effect. The withholding shall not be held in abeyance pending the outcome of the hearing. The obligor may not obtain relief from the withholding by paying overdue support, if any. The only basis for contesting the withholding is a mistake of fact. For the purpose of this section, "mistake of fact" shall mean an error in the amount of arrearages, if applicable, or an error as to the identity of the obligor. The court shall hold its hearing, enter its order disposing of all issues disputed by the obligated party, and notify the obligated party and the employer or other payer, within forty-five days of the date on which the withholding notice was sent to the employer.

5. For each payment the employer may charge a fee not to exceed six dollars per month, which shall be deducted from each obligor's moneys, income or periodic earnings, in addition to the amount deducted to meet the support or maintenance obligation subject to the limitations contained in the federal Consumer Credit Protection Act (15 U.S.C. 1673).

6. Upon termination of the obligor's employment with an employer upon whom a withholding notice has been served, the employer shall so notify the court in writing. The employer shall also inform the court, in writing, as to the last known address of the obligor and the name and address of the obligor's new employer, if known.

7. Amounts withheld by the employer or other payer shall be transmitted, in accordance with the notice, within seven business days of the date that such amounts were payable to the obligated party. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payer shall, along with the amounts transmitted, provide the date each amount was withheld from each obligor. If the employer or other payer is withholding amounts for more than one order, the employer or other payer may combine all such withholdings that are payable to the same circuit clerk or the family support payment center and transmit them as one payment, together with a separate list identifying the cases to which they apply. The cases shall be identified by court case number, name of obligor, the obligor's Social Security number, the IV-D case number, if any, the amount withheld for each obligor, and the withholding date or dates for each obligor, to the extent that such information is known to the employer or other payer. An employer or other payer who fails to honor a withholding notice pursuant to this section may be held in contempt of court and is liable to the obligee for the amount that should have been withheld. Compliance by an employer or other payer with the withholding notice operates as a discharge of liability to the obligor as to that portion of the obligor's periodic earnings or other income so affected.

8. As used in this section, the term "employer" includes the state and its political subdivisions.

9. An employer shall not discharge or otherwise discipline, or refuse to hire, an employee as a result of a withholding notice issued pursuant to this section. Any obligor who is aggrieved as a result of a violation of this subsection may bring a civil contempt proceeding against the employer by filing an appropriate motion in the cause of action from which the withholding notice issued. If the court finds that the employer discharged, disciplined, or refused to hire the obligor as a result of the withholding notice, the court may order the employer to reinstate or hire the obligor, or rescind any wrongful disciplinary action. If, after the entry of such an order, the employer refuses without good cause to comply with the court's order, or if the employer fails to comply with the withholding notice, the court may, after notice to the employer and a hearing, impose a fine against the employer, not to exceed five hundred dollars. Proceeds of any such fine shall be distributed by the court to the county general revenue fund.

10. A withholding entered pursuant to this section may, upon motion of a party and for good cause shown, be amended by the court. The clerk shall notify the employer of the amendment in the manner provided for in subsection 4 of this section.

11. The court, upon the motion of obligor and for good cause shown, may terminate the withholding, except that the withholding shall not be terminated for the sole reason that the obligor has fully paid past due child support and maintenance.

12. A withholding effected pursuant to this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 454.505, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, delinquencies shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

13. The remedy provided by this section applies to child support and maintenance orders entered prior to August 13, 1986, notwithstanding the absence of the notice to the obligor provided for in subsection 1 of this section, provided that prior notice from the circuit clerk to the obligor in the manner prescribed in subsection 5 of section 452.345 is given.

14. Notwithstanding any provisions of this section to the contrary, in a case in which support rights have been assigned to the state or in which the **family support** division [of child support enforcement] is providing support enforcement services pursuant to section 454.425, the director of the **family support** division [of child support enforcement] may amend or terminate a withholding order issued pursuant to this section, as provided in this subsection without further action of the court. The director may amend or terminate a withholding order and issue an administrative withholding order pursuant to section 454.505 when the director determines that children for whom the support order applies are no longer entitled to support pursuant to section

452.340, when the support obligation otherwise ends and all arrearages are paid, when the support obligation is modified pursuant to section 454.500, or when the director enters an order that is approved by the court pursuant to section 454.496. The director shall notify the employer and the circuit clerk of such amendment or termination. The director's administrative withholding order or withholding termination order shall preempt and supersede any previous judicial withholding order issued pursuant to this or any other section.

15. For the purpose of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program and interest.

16. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the court shall use or require the use of such notice.

452.370. MODIFICATION OF JUDGMENT AS TO MAINTENANCE OR SUPPORT, WHEN — TERMINATION, WHEN — RIGHTS OF STATE WHEN AN ASSIGNMENT OF SUPPORT HAS BEEN MADE — COURT TO HAVE CONTINUING JURISDICTION, DUTIES OF CLERK, CLERK TO BE "APPROPRIATE AGENT", WHEN — SEVERANCE OF RESPONSIVE PLEADING. — 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the **family support** division [of family services] on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the **family support** division [of child support enforcement].

6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the

support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the **family support** division [of child support enforcement] by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the **family support** division [of child support enforcement] as provided in section 454.400, the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.

452.416. PARENT'S CHANGE IN INCOME DUE TO MILITARY SERVICE, EFFECT ON ORDER OF CHILD SUPPORT — DIRECTOR OF DIVISION, DUTIES. — 1. Notwithstanding any other provision of law to the contrary, whenever a parent in emergency military service has a change in income due to such military service, such change in income shall be considered a change in circumstances so substantial and continuing as to make the terms of any order or judgment for child support or visitation unreasonable.

2. Upon receipt of a notarized letter from the commanding officer of a noncustodial parent in emergency military service which contains the date of the commencement of emergency military service and the compensation of the parent in emergency military service, the director of the **family support** division [of child support enforcement] shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in section 452.340 and applicable supreme court rules. Such notification to the director shall constitute an application for services under section 454.425.

3. Upon return from emergency military service the parent shall notify the director of the **family support** division [of child support enforcement] who shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in section 452.340 and applicable supreme court rules. Such notification to the director shall constitute an application for services under section 454.425.

4. As used in this section, the term "emergency military service" means that the parent is a member of a reserve unit or National Guard unit which is called into active military duty for a period of more than thirty days.

453.005. CONSTRUCTION OF SECTIONS 453.010 TO 453.400 — ETHNIC AND RACIAL DIVERSITY CONSIDERATIONS. — 1. The provisions of sections 453.005 to 453.400 shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of the child to a permanent and stable home.

2. The **children's** division [of family services] and all persons involved in the adoptive placement of children as provided in subdivisions (1), (2) and (4) of section 453.014 shall provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed.

3. Placement of a child in an adoptive home may not be delayed or denied on the basis of race, color or national origin.

453.014. WHO MAY PLACE MINOR FOR ADOPTION — RULES AND REGULATIONS, AUTHORITY. — 1. The following persons may place a minor for adoption:

- (1) The **children's** division [of family services] of the department of social services;
- (2) A child placing agency licensed pursuant to sections 210.481 to 210.536;
- (3) The child's parents, without the direct or indirect assistance of an intermediary, in the home of a relative of the child within the third degree;
- (4) An intermediary, which shall include an attorney licensed pursuant to chapter 484; a physician licensed pursuant to chapter 334; or a clergyman of the parents.

2. All persons granted the authority to place a minor child for adoption as designated in subdivision (1), (2) or (4) of subsection 1 of this section shall comply with the rules and regulations promulgated by the department of social services and the department of health and senior services for such placement.

3. The **children's division of the** department of social services[, division of family services] and the department of health and senior services shall promulgate rules and regulations regarding the placement of a minor for adoption.

4. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

453.015. DEFINITIONS. — As used in sections 453.010 to 453.400, the following terms mean:

(1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the **children's** division [of family services] who has not attained the age of twenty-one;

(2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

(3) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and

(4) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.

453.026. WRITTEN REPORT TO BE FURNISHED TO PROSPECTIVE ADOPTIVE PARENT, COURT AND GUARDIAN AD LITEM, WHEN. — 1. As early as is practical before a prospective adoptive parent accepts physical custody of a child, the person placing the child for adoption, as authorized by section 453.014, shall furnish to the court, the guardian ad litem and the prospective adoptive parent a written report regarding the child.

2. The person placing the child shall not be held liable for incorrect information as provided by others or unintentional errors when making the written report.

3. The **children's division of the** department of social services[, division of family services] shall promulgate rules and regulations regarding all written information that shall be furnished to the court, the guardian ad litem and the prospective adoptive parent.

4. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

453.065. DEFINITIONS. — As used in sections 453.065 to 453.074, the following words and terms shall have the meanings indicated:

(1) "Child", a person within the state who is under the age of eighteen or in the custody of the **children's** division [of family services] who is in need of medical, dental, educational, mental

or other related health services and treatment, as defined in this section, or who belongs to a racial or ethnic minority, who is five years of age or older, or who is a member of a sibling group, and for whom an adoptive home is not readily available. If the physical, dental or mental condition of the child requires care after the age of eighteen, payment can be continued with the approval of the **children's** division [of family services] of the department of social services and subject to annual review;

(2) "Diminishing allotment", a monthly payment which periodically diminishes over a period of not longer than four years at which time it ceases;

(3) "Long term subsidy", a continuous monthly payment toward the child's care for a period of more than four years;

(4) "Special services", an allotment to a child who is in need of medical, dental, educational, mental health or other related health services and treatment, including treatment for physical handicap, intellectual impairment, developmental disability, mental or emotional disturbance, social maladjustment;

(5) "Time limited subsidy", a monthly allotment which is continued for a limited time after legal adoption, not exceeding four years. This compensation is to aid the family in integrating the care of the new child in their home.

453.070. INVESTIGATIONS PRECONDITION FOR ADOPTION — CONTENTS OF INVESTIGATION REPORT — HOW CONDUCTED — ASSESSMENTS OF ADOPTIVE PARENTS, CONTENTS — WAIVING OF INVESTIGATION, WHEN — FEES — PREFERENCE TO FOSTER PARENTS, WHEN. — 1. Except as provided in subsection 5 of this section, no decree for the adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation, which includes an assessment of the adoptive parents, an appropriate postplacement assessment and a summary of written reports as provided for in section 453.026, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report shall also include a statement to the effect that the child has been considered as a potential subsidy recipient.

2. Such investigation shall be made, as directed by the court having jurisdiction, either by the **children's** division [of family services] of the department of social services, a juvenile court officer, a licensed child-placement agency, a social worker, a professional counselor, or a psychologist licensed under chapter 337 and associated with a licensed child-placement agency, or other suitable person appointed by the court. The results of such investigation shall be embodied in a written report that shall be submitted to the court within ninety days of the request for the investigation.

3. The [department of social services, division of family services,] **children's division** shall develop rules and regulations regarding the content of the assessment of the petitioner or petitioners. The content of the assessment shall include but not be limited to a report on the condition of the petitioner's home and information on the petitioner's education, financial, marital, medical and psychological status and criminal background check. If an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and regulations by the department concerning the contents of such assessment, any discrepancy between the contents of the actual assessment and the contents of the assessment required by department rule shall not be used as the sole basis for invalidating an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to the court prior to the scheduled hearing of the adoptive petition.

5. In cases where the adoption or custody involves a child under eighteen years of age that is the natural child of one of the petitioners and where all of the parents required by this chapter to give consent to the adoption or transfer of custody have given such consent, the juvenile court

may waive the investigation and report, except the criminal background check, and enter the decree for the adoption or order the transfer of custody without such investigation and report.

6. In the case of an investigation and report made by the **children's** division [of family services] by order of the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs of the investigation and report.

7. Any adult person or persons over the age of eighteen who, as foster parent or parents, have cared for a foster child continuously for a period of nine months or more and bonding has occurred as evidenced by the positive emotional and physical interaction between the foster parent and child, may apply to such authorized agency for the placement of such child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

8. (1) Nothing in this section shall be construed to permit discrimination on the basis of disability or disease of a prospective adoptive parent.

(2) The disability or disease of a prospective adoptive parent shall not constitute a basis for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

453.074. DUTIES OF CHILDREN'S DIVISION IN ADMINISTRATION OF SUBSIDY. — 1. The **children's** division [of family services] shall have the following duties in the administration of the subsidy program:

- (1) Notify all petitioners for adoption of the availability of subsidies for a child;
- (2) Provide all petitioners for adoption with the rules and eligibility requirements for subsidies;
- (3) Inform the parents of a child receiving a subsidy of reductions or other modifications in the terms and conditions of the written agreement;
- (4) Establish procedures for the resolution of disputes involving the delay, denial, amount or type of subsidy;
- (5) File an annual report to the legislature in the budget proposal on the adoption subsidy program, including but not limited to, the number and types of subsidies being paid, an accounting of state and federal funds expended, and a projection of future monetary needs to maintain the subsidy program;
- (6) Comply with all federal laws relating to adoption subsidies in order to maintain the eligibility of the state of Missouri for federal funds.

2. The provisions of this section shall not apply to the adoption of a child by the spouse of a biological parent or an adoptive parent.

453.077. POSTPLACEMENT ASSESSMENTS REQUIRED, WHEN — RULEMAKING AUTHORITY. — 1. When a child has been placed with the petitioner for the required six-month placement period, the person conducting the preplacement assessment of the adoption or other persons authorized to conduct assessments pursuant to section 453.070 shall provide the court with a postplacement assessment. The specific content of which shall be determined by rule by the **children's division of the** department of social services[, division of family services]. The postplacement assessment shall include an update of the preplacement assessment which was submitted to the court pursuant to section 453.070, and a report on the emotional, physical and psychological status of the child. If an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and regulations by the department concerning the contents of such assessment, any discrepancy between the contents of the actual assessment and the contents of the assessment required by department rule shall not be used as the sole basis for invalidating an adoption.

2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

453.102. DIVISION TO INFORM ADOPTIVE PARENTS OF POSTPLACEMENT SERVICES, WHEN — NATURE OF SERVICES — FAMILY SERVICES TO ASSIST IN CASES OF ADOPTIVE PLACEMENT. — 1. After an adoptive placement has been made, the **children's** division [of family services] or other child-placing agency shall inform the adoptive parents of postplacement services available to them and the child. Such services may include, aiding the family in contacting adoptive family support groups, providing family counseling, periodic visitation by the agency and any other resources or services that would assist the family and the child in adjusting to the adoption.

2. In the event that an adoptive placement or a final adoption is disrupted resulting in the removal of the child from the home of the adoptive parents, the **children's** division [of family services] or other child-placing agency shall assist the parents and the child by providing or arranging contact with support groups, counseling or any other service deemed necessary to aid the family and the child in adjusting to the removal.

453.110. PROHIBITING TRANSFER OF CUSTODY OF CHILD — EXCEPTION — PENALTY — INVESTIGATION AND REPORT — TRANSFER OF CUSTODY ORDER ISSUED, WHEN. — 1. No person, agency, organization or institution shall surrender custody of a minor child, or transfer the custody of such a child to another, and no person, agency, organization or institution shall take possession or charge of a minor child so transferred, without first having filed a petition before the circuit court sitting as a juvenile court of the county where the child may be, praying that such surrender or transfer may be made, and having obtained such an order from such court approving or ordering transfer of custody.

2. If any such surrender or transfer is made without first obtaining such an order, such court shall, on petition of any public official or interested person, agency, organization or institution, order an investigation and report as described in section 453.070 to be completed by the **children's** division [of family services] and shall make such order as to the custody of such child in the best interest of such child.

3. Any person violating the terms of this section shall be guilty of a class D felony.

4. The investigation required by subsection 2 of this section shall be initiated by the **children's** division [of family services] within forty-eight hours of the filing of the court order requesting the investigation and report and shall be completed within thirty days. The court shall order the person having custody in violation of the provisions of this section to pay the costs of the investigation and report.

5. This section shall not be construed to prohibit any parent, agency, organization or institution from placing a child with another individual for care if the right to supervise the care of the child and to resume custody thereof is retained, or from placing a child with a licensed foster home within the state through a child-placing agency licensed by this state as part of a preadoption placement.

6. After the filing of a petition for the transfer of custody for the purpose of adoption, the court may enter an order of transfer of custody if the court finds all of the following:

- (1) A family assessment has been made as required in section 453.070 and has been reviewed by the court;
- (2) A recommendation has been made by the guardian ad litem;
- (3) A petition for transfer of custody for adoption has been properly filed or an order terminating parental rights has been properly filed;
- (4) The financial affidavit has been filed as required under section 453.075;
- (5) The written report regarding the child who is the subject of the petition containing the information has been submitted as required by section 453.026;
- (6) Compliance with the Indian Child Welfare Act, if applicable; and

(7) Compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620.

7. A hearing on the transfer of custody for the purpose of adoption is not required if:

- (1) The conditions set forth in subsection 6 of this section are met;
- (2) The parties agree and the court grants leave; and
- (3) Parental rights have been terminated pursuant to section 211.444 or 211.447.

453.400. STEPPARENT REQUIRED TO SUPPORT STEPCHILD — RECOVERY FROM NATURAL OR ADOPTIVE PARENT, WHEN — STEPPARENT'S INCOME CONSIDERED IN AID TO DEPENDENT CHILDREN. — 1. A stepparent shall support his or her stepchild to the same extent that a natural or adoptive parent is required to support his or her child so long as the stepchild is living in the same home as the stepparent. However, nothing in this section shall be construed as abrogating or in any way diminishing the duty a parent otherwise would have to provide child support, and no court shall consider the income of a stepparent, or the amount actually provided for a stepchild by a stepparent, in determining the amount of child support to be paid by a natural or adoptive parent.

2. A natural or adoptive parent shall be liable to a stepparent for the sum of money expended by a stepparent for the support of a stepchild when that sum of money was expended because of the neglect or refusal of the natural or adoptive parent to pay any part of or all of the court-ordered amount of support.

3. This section shall not abrogate or diminish the common law right which a stepparent may possess to recover from a natural or adoptive parent the expense of providing necessities for a stepchild in the absence of a court order for child support determining the amount of support to be paid by a natural or adoptive parent.

4. This section shall not be construed as granting to a stepparent any right to the care and custody of a stepchild or as granting a stepchild any right to inherit from a stepparent under the general statutory laws governing descent and distribution.

5. This section shall apply without regard to whether public assistance is being provided on behalf of the stepchild or stepchildren in question.

6. This section shall be construed to apply only to support obligations incurred on or after July 1, 1977, notwithstanding that a marriage giving rise to the support obligation occurred prior to July 1, 1977.

7. With respect to section 208.040, this section shall not be construed to render a child ineligible for public assistance on the basis of the child's not being deprived of parental support, but it shall be construed to permit the inclusion of the income of a stepparent in the determination of eligibility for benefits and in the determination of the amount of the assistance payment.

8. In the determination of eligibility for benefits and in the determination of the amount of the assistance payment under section 208.150, that portion of the stepparent's income, as defined by the **family support** division [of family services] in the administration of aid to families with dependent children, shall be considered.

454.400. FAMILY SUPPORT DIVISION ESTABLISHED — DUTIES, POWERS — RULES, PROCEDURE. — 1. There is established within the department of social services the "**Family Support** Division [of Child Support Enforcement]" to administer the state plan for child support enforcement. The duty pursuant to the state plan to litigate or prosecute support actions shall be performed by the appropriate prosecuting attorney, or other attorney pursuant to a cooperative agreement with the department. The department shall fully utilize existing IV-A staff of the **family support** division [of child support enforcement] to perform child support enforcement duties approved by the United States Department of Health and Human Services and consistent with federal requirements as specified in P.L. 93-647 and 45 CFR, section 303.20.

2. In addition to the powers, duties and functions vested in the **family support** division [of child support enforcement] by other provisions of this chapter or by other laws of this state, the **family support** division [of child support enforcement] shall have the power:

- (1) To sue and be sued;
- (2) To make contracts and carry out the duties imposed upon it by this or any other law;
- (3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;
- (4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of the same;
- (5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter and which are not inconsistent with the constitution or laws of this state;
- (6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the **family support** division [of child support enforcement] is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of the state plan hereunder;
- (7) To make such reports in such form and containing such information as the United States government may, from time to time, require, and comply with such provisions as the United States government may, from time to time, find necessary to assure the correctness and verification of such reports;
- (8) To appoint, when and if it may deem necessary, advisory committees to provide professional or technical consultation in respect to child support enforcement problems and program administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the **family support** division [of child support enforcement], and such advisory committees shall consult with the **family support** division [of child support enforcement] in respect to problems and policies incident to the administration of the particular function germane to their respective field of competence;
- (9) To initiate or cooperate with other agencies in developing measures for the enforcement of support obligations;
- (10) To collect statistics, make special fact-finding studies and publish reports in reference to child support enforcement;
- (11) To establish or cooperate in research or demonstration projects relative to child support enforcement and the welfare program which will help improve the administration and effectiveness of programs carried on or assisted pursuant to the federal Social Security Act and the programs related thereto;
- (12) To accept gifts and grants of any property, real or personal, and to sell such property and expend such gifts or grants not inconsistent with the administration of the state plan for child support enforcement and within the limitations of the donor thereof;
- (13) To review every three years or such shorter cycle as the division may establish, upon the request of the obligee, the obligor or if there is an assignment under Part A of the federal Social Security Act, upon the request of the division, obligee or obligor taking into account the best interest of the child, the adequacy of child support orders in IV-D cases to determine whether modification is appropriate pursuant to the guidelines established by supreme court rule 88.01, to establish rules pursuant to chapter 536, to define the procedure and frequency of such reviews, and to initiate proceedings for modification where such reviews determine that a modification is appropriate. This subdivision shall not be construed to require the division or its designees to represent the interests of an absent parent against the interests of a custodial parent or the state;

(14) To provide services relating to the establishment of paternity and the establishment, modification and enforcement of child support obligations.

The division shall provide such services:

(a) Unless, as provided in this chapter, good cause or other exception exists, to each child for whom:

a. Assistance is provided under the state program funded under Part IV-A of the Social Security Act;

b. Benefits or services for foster care maintenance are provided under the state program funded under Part IV-E of the Social Security Act; or

c. Medical assistance is provided under the state plan approved under Title XIX of the Social Security Act; and

(b) To any other child, if an individual applies for such services with respect to such child;

(15) To enforce support obligations established with respect to:

(a) A child for whom the state provides services under the state plan for child support; or

(b) The custodial parent of a child;

(16) To enforce support orders against the parents of the noncustodial parent, jointly and severally, in cases where such parents have a minor child who is the parent and the custodial parent is receiving assistance under the state program funded under Part A of Title IV of the Social Security Act; and

(17) To prevent a child support debtor from fraudulently transferring property to avoid payment of child support. If the division has knowledge of such transfer, the division shall:

(a) Seek to void such transfer; or

(b) Obtain a settlement in the best interest of the child support creditor.

3. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

454.403. SOCIAL SECURITY NUMBER REQUIRED ON ALL LICENSE, PERMIT OR CERTIFICATE APPLICATIONS. — Notwithstanding any other provision of law to the contrary, applicants for a professional, occupational or recreational license not coming under the purview of the division of professional registration shall be required by the appropriate licensing authority to provide the applicant's Social Security number on any application for a license, permit or certificate, or any renewal of a license, permit or certificate. The **family support** division [of child support enforcement] is authorized to coordinate with and assist with such licensing authorities to develop procedures to implement this requirement.

454.405. ENFORCEMENT OF SUPPORT OBLIGATIONS, COUNTIES TO COOPERATE — AGREEMENTS, CONTENTS, FUNDING, CANCELLATION — PROSECUTING ATTORNEYS, ADDITIONAL STAFF, FUNDS. — 1. Each county shall cooperate with the **family support** division [of child support enforcement] in the enforcement of support obligations under the state plan by appropriating a sufficient sum of money for the offices of the prosecuting attorney or, by entering into a multiple county agreement to share the costs of enforcement of support obligations and appropriating sufficient funds for such enforcement, and by appropriating to the circuit clerk a sufficient sum to enable those offices to perform any duty imposed under this law or any other law with respect to the enforcement of support obligations or to the transmittal of support moneys to the **family support** division [of child support enforcement] for deposit in the state treasury to the credit of the child support enforcement fund.

2. The **family support** division [of child support enforcement] shall enter into cooperative agreements with city or county governing bodies or officers, including, but not necessarily limited to, circuit courts, circuit clerks and prosecuting attorneys who choose to enter into a cooperative agreement, except that the director of the **family support** division [of child support enforcement] may, not less than sixty days prior to the expiration date of an existing cooperative

agreement, notify a city or county governing body or officer that the division will not enter into a cooperative agreement because the city or county governing body or officer failed to comply with the terms of the existing cooperative agreement, or with rules established by the division pursuant to subsection 4 of this section. The notice shall be in writing and shall set forth the reason for not entering into a new cooperative agreement. The notice shall be sent by certified mail, return receipt requested, to all city or county signatories of the existing cooperative agreement. Within thirty days of receipt of the notice, the city or county governing body or officer may submit to the director of the **family support** division [of child support enforcement] objections to the findings of the director, or a proposed plan to bring the city, county or officer into compliance. The director shall respond to the objections or the proposed plan prior to the expiration date of the existing cooperative agreement.

3. The cooperative agreements to be executed shall provide, as a minimum, for the following:

(1) For the governing body of the city or county to hire such additional stenographic, secretarial and administrative assistants as may be required to administer the child support enforcement program within that jurisdiction or, if the city or county is a participant in a multiple county agreement, to participate in the cost of the additional staff;

(2) For the city or county, upon recommendation of the prosecuting attorney, to hire such additional assistant prosecuting attorneys as may be required to administer the child support enforcement program within that jurisdiction or, if the city or county is a participant in a multiple county agreement, to participate in the cost of attorneys retained for that purpose;

(3) For the city or county to furnish office space and other administrative requirements for the proper administration of the child support enforcement program within that jurisdiction or, if the city or county is a participant in a multiple county agreement, to participate in the cost of the office space and other administrative requirements;

(4) For the reimbursement by the state from moneys received from the federal government of reasonable and necessary costs, as determined by the director of the **family support** division [of child support enforcement], associated with enforcement of support obligations by the county or city or, if applicable, the multiple county unit, at the applicable rate, to be paid at least monthly if properly authenticated vouchers are submitted by the city or county. Payments shall be made no later than thirty days from the date of submission of the vouchers;

(5) For the city or county or, if applicable, the multiple county unit, to maintain financial and performance records required by federal regulation to be available for inspection by representatives of the department of social services, the state auditor, or the United States Department of Health and Human Services; and

(6) For the payment of incentive payments by the state from moneys received from the federal government as provided by the Social Security Act and federal and state regulations promulgated thereunder. The **family support** division [of child support enforcement] shall calculate and promptly pay to the city or county a basic incentive payment not less than the minimum incentive payment rate established by 45 CFR 303.52; provided, however, that the total amount paid as incentives for non-AFDC collections shall not exceed the total amount paid as incentives for AFDC collections, unless otherwise agreed upon in the cooperative agreement between the state and county or city. Incentive payments by the state to the counties shall not occur for any period during which the state does not receive incentive payments from the federal government.

4. The **family support** division [of child support enforcement] shall have the authority to promulgate rules pursuant to this section, section 454.400 and chapter 536 in order to establish criteria for record keeping and performance relating to the effective administration of the child support enforcement program, which shall apply to a city or county office or officer, or multiple county unit, with whom a cooperative agreement is entered. The division may cancel a cooperative agreement with a city or county office if the office fails to comply with the rules established under this subsection, or fails to comply with the terms of the cooperative

agreement. The division director shall notify the city or county governing body or officer in writing, setting forth the reason for the cancellation. Notice of cancellation shall be sent by certified mail, return receipt requested, to all city or county signatories of the cooperative agreement, and shall be mailed at least sixty days prior to the effective date of cancellation. Within thirty days of receipt of the notice, the city or county governing body or officer may submit to the director of the **family support** division [of child support enforcement] objections to the findings of the director, or a proposed plan to bring the city, county or officer into compliance with the cooperative agreement or rules established under this subsection. The director shall respond to the objections or proposed plan prior to the effective date of cancellation.

5. At any time after the director determines not to enter into a cooperative agreement under subsection 2 of this section or cancels a cooperative agreement under subsection 4 of this section, the city or county governing body or officer may request that a new cooperative agreement be negotiated. At the time of the request, the city or county governing body or officer shall submit a proposed plan for compliance with a cooperative agreement or with rules established under this section. After the request and submission of the proposed plan, the director may enter into a cooperative agreement with the city or county governing body or officer. The cooperative agreement shall contain the provisions set out in subsection 3 of this section.

6. The limitations set out in chapter 56 regarding the salaries and the number of assistant prosecuting attorneys and the stenographic or administrative personnel shall not apply, and the county or city governing body shall appropriate sufficient funds to compensate such additional staff or multiple county unit for implementing the provisions of the child support enforcement program.

7. With the approval of the city or county governing body and the director of the **family support** division [of child support enforcement], and for the purpose of investigating the child support cases, the prosecuting attorney, circuit attorney or multiple county unit may employ sufficient investigators to properly administer the provisions of the child support enforcement program.

454.408. DUTIES OF THE FAMILY SUPPORT DIVISION. — The **family support** division [of child support enforcement]:

(1) Shall determine whether a person who has applied for or is receiving assistance from a program funded pursuant to Part A or Part E of Title IV of the Social Security Act, Title XIX of the Social Security Act or the Food Stamp Act is cooperating in good faith with the division in establishing the paternity of, or in establishing, modifying or enforcing a support order for any child of such person by providing the division with the name of the noncustodial parent or any other information the division may require. The division may, by regulation, excuse compliance with the provisions of this subsection on a case-by-case basis for good cause or other exceptions as the division may deem to be in the best interest of the child;

(2) Shall require as a condition of cooperation that such person supply additional information deemed necessary by the division and appear at any interviews, hearings or legal proceedings;

(3) Shall require as a condition of cooperation that such person and such person's child submit to genetic testing pursuant to a judicial or administrative order;

(4) May request that such person sign a voluntary acknowledgment of paternity, after notice of the rights and consequences of such an acknowledgment, but may not require such person to sign an acknowledgment or otherwise relinquish the right to a genetic test as a condition of cooperation and eligibility for assistance from a state program funded pursuant to Part A or Part E of Title IV of the Social Security Act, Title XIX of the Social Security Act or the Food Stamp Act; and

(5) Shall promptly notify such person, the **family support** division [of family services] , or the **MO HealthNet** division [of medical services] of every determination made pursuant to

this section, including a determination that such person is not cooperative and the basis for such determination.

454.415. DEFINITIONS — ASSIGNMENT OF SUPPORT RIGHTS TO DIVISION, PROCEDURE — CLERK OF COURT OR FAMILY SUPPORT PAYMENT CENTER MADE TRUSTEE, WHEN, DUTIES — TERMINATION OF ASSIGNMENT, EFFECT OF. — 1. For the purposes of this section, the term "IV-A agency" shall mean:

(1) An agency that has been designated by a state to administer programs pursuant to Title IV-A of the Social Security Act;

(2) An agency that has been designated by a state to administer programs pursuant to Title IV-D of the Social Security Act; or

(3) Any other entity entitled to receive and disburse child support payments in that state.

2. When a court has ordered support payments to a person who has made an assignment of support rights to the **family support** division [of family services] or the IV-A agency of another state on behalf of this or such other state, the **family support** division [of child support enforcement] shall notify the court.

(1) Until October 1, 1999, upon such notice, the court shall order all support payments to be made to the clerk of the court as trustee for the division of family services or the other state's IV-A agency, whichever is appropriate, as assignee of the support rights. The clerk shall forward all support payments to the department of social services, which payments have been identified by the department for deposit in the appropriate fund within the state treasury when assignments have been made to the division of family services. The clerk shall forward support payments to the other state's IV-D agency when assignments have been made to that state's IV-A agency. Notification to the court by the division of child support enforcement of the assignment of support rights shall, in and of itself, authorize the court to make the clerk trustee, notwithstanding any provision of any existing court order, statute, or other law to the contrary, and the court need not hold a hearing on the matter. The amount of the obligation owed to this state or the other state's IV-A agency shall be the amount specified in a court order which covers the assigned rights. The clerk shall keep an accurate record of such orders and such payments and shall note such assignment in the case file in such a manner as to make the fact of the assignment easily discernible.

(2) Effective October 1, 1999, support payments are to be made to the payment center pursuant to section 454.530 as trustee for the **family support** division [of family services] or other state's IV-A agency, whichever is appropriate, as assignee of the support rights. The payment center shall forward all support payments to the state, which payments have been identified by the **family support** division [of child support enforcement] for deposit in the appropriate fund within the state treasury when assignments have been made to the **family support** division [of family services]. The payment center shall forward support payments to the other state's IV-D agency when assignments have been made to that state's IV-A agency. Notification to the court by the **family support** division [of child support enforcement] of the assignment of support rights shall, in and of itself, make the payment center trustee, notwithstanding any provision of any existing court order or state law to the contrary, and the court shall not be required to hold a hearing on the matter. The amount of the obligation owed to this state or the other state's IV-A agency shall be the amount specified in a court order which covers the assigned rights. The payment center shall keep an accurate record of such orders and payments.

3. (1) Upon termination of the assignment for any case in which payments are not to be made to the payment center pursuant to section 454.530, the clerk of the court shall continue as trustee for the **family support** division [of family services] or the other state's IV-A agency for any accrued unpaid support at the time of the termination and as trustee for the obligee for any support becoming due after the termination. If there has been an assignment to the **family support** division [of family services] and there is no current assignment to another state's IV-A

agency, the clerk of the court shall forward to the obligee all payments for support accruing subsequent to the termination and shall forward to the department of social services all payments for support which had accrued and were unpaid at the time of the termination. If there has been an assignment to another state's IV-A agency and there is no current assignment to the **family support** division [of family services], the clerk of the court shall continue to forward to that state's IV-D agency all payments for support accruing subsequent to the termination of the assignment as well as all payments for support which had accrued and were unpaid at the time of the termination. When there has been an assignment to the **family support** division [of family services], the clerk of the court shall apply payments first to support which has accrued subsequent to the termination, to the extent thereof, and then to support which accrued prior to termination, except such payments collected by the **family support** division [of child support enforcement] through debt setoff or legal process shall be forwarded to the department of social services, unless the department of social services directs otherwise. After termination of the assignment, the trusteeship may be dissolved upon motion of a party after notice and hearing on behalf of all parties to the proceeding or pursuant to subsections 3 to 7 of section 454.430. Prior to termination of the assignment, no motion may be filed, nor maintained, for the purpose of terminating or abating any trusteeship in favor of the **family support** division [of family services] or another state's IV-A agency.

(2) Effective October 1, 1999, upon termination of the assignment for any case in which payments are to be made to the payment center pursuant to section 454.530, the payment center shall continue as trustee for the **family support** division [of family services] or the other state's IV-A agency for any accrued unpaid support at the time of the termination and as trustee for the obligee for any support coming due after the termination. If there has been an assignment to the **family support** division [of family services] and there is no current assignment to another state's IV-A agency, the payment center shall forward to the obligee all payments for support which accrue after the termination and shall forward to the **family support** division [of child support enforcement] all payments for support which had accrued and were unpaid at the time of termination. If there has been an assignment to another state's IV-A agency and there is no current assignment to the **family support** division [of family services], the payment center shall continue to forward to that state's IV-D agency all payments for support which accrue after the termination of the assignment as well as all payments for support which had accrued and were unpaid at the time of termination. If there has been an assignment to the **family support** division [of family services], the payment center shall apply payments first to support which accrues after the termination, to the extent thereof, and then to support which accrued prior to termination; except that such payments collected by the **family support** division [of child support enforcement] through debt setoff or legal process shall be forwarded to the **family support** division [of child support enforcement], unless the division directs otherwise. After termination of the assignment, the trusteeship may be dissolved upon motion of a party after notice and hearing on behalf of all parties to the proceeding or pursuant to subsections 3 to 7 of section 454.430. Prior to termination of the assignment, no motion shall be filed or maintained for the purpose of terminating or abating any trusteeship in favor of the **family support** division [of family services] or another state's IV-A agency.

4. For purposes of this section, "assignment" includes an assignment to the state by a person who has applied or is receiving assistance under a program funded pursuant to Part A of Title IV or Title XIX of the Social Security Act.

454.420. LEGAL ACTIONS TO ESTABLISH OR ENFORCE SUPPORT OBLIGATIONS, BROUGHT, BY WHOM, PROCEDURE — ASSIGNMENT TO DIVISION TERMINATES, WHEN, EFFECT — MONEY COLLECTED, WHERE DEPOSITED. — Any legal action necessary to establish or enforce support obligations owed to the state shall be brought by prosecuting attorneys, or other attorneys under cooperative agreement with the **family support** division [of child support enforcement], upon being furnished notice by the division of such obligation. If the amount of

the support obligation owed to the state has not been determined because no court order exists, the **family support** division [of child support enforcement] may refer the case to the appropriate prosecuting attorney, or other attorney under cooperative agreement with the division, for establishment and enforcement of a support order or order for reimbursement. When a recipient is no longer eligible for aid to families with dependent children benefits, the assignment shall terminate, unless the recipient and the **family support** division [of child support enforcement] agree otherwise, except for those unpaid support obligations still owing to the state under the assignment at the time of the discontinuance of aid. Upon referral from the **family support** division [of child support enforcement], such unpaid obligations shall be collected by the prosecuting attorney, or other attorney under cooperative agreement with the division, up to the amount of unreimbursed aid paid by the **family support** division [of family services] prior to or after execution of the assignment of support rights. Moneys collected pursuant to this section shall be paid to the department of social services for deposit in the child support enforcement fund in the state treasury.

454.425. SUPPORT ENFORCEMENT SERVICES BY DIVISION, WHEN, FOR WHOM — FEES, WHEN ALLOWED. — The **family support** division [of child support enforcement] shall render child support services authorized pursuant to this chapter to persons who are not recipients of public assistance as well as to such recipients. Services may be provided to children, custodial parents, noncustodial parents and other persons entitled to receive support. An application may be required by the division for services and fees may be charged by the division pursuant to 42 U.S.C. Section 654 and federal regulations. Services provided under a state plan shall be made available to residents of other states on the same terms as residents of this state. If a family receiving services ceases to receive assistance under a state program funded under Part A of Title IV of the Social Security Act, the division shall provide appropriate notice to such family, and services shall continue under the same terms and conditions as that provided to other individuals under the state plan, except that an application for continued services shall not be required and the requirement for payment of fees shall not apply to the family.

454.430. IV-D AGENCY, DEFINED — CLERK OF COURT OR FAMILY SUPPORT PAYMENT CENTER TO SERVE AS TRUSTEE, WHEN, DUTIES — TERMINATION OF TRUSTEE RESPONSIBILITIES BY DIVISION, PROCEDURE. — 1. For the purposes of this section, the term "IV-D agency" means an agency that has been designated by a state to administer programs pursuant to Title IV-D of the Social Security Act or any other entity entitled to receive and disburse child support payments in that state.

2. When a court has ordered support payments to a person who is receiving child support services pursuant to section 454.425, or pursuant to application for IV-D agency services in another state, the **family support** division [of child support enforcement] shall so notify the court. Until October 1, 1999, upon such notice the court shall order all support payments to be made to the clerk of the court as trustee for such person. The notification to the court by the division shall, in and of itself, authorize the court to make the clerk trustee, notwithstanding any provision of any existing court order, statute, or other law to the contrary, and the court need not hold a hearing on the matter. The clerk shall keep an accurate record of such orders and such payments, and shall report all such collections to the division in the manner specified by the division. The circuit clerk shall forward all such payments to the person receiving child support services pursuant to section 454.425, or to the IV-D agency in the state in which the person is currently receiving IV-D services, as appropriate. Effective October 1, 1999, upon notice by the division, all support payments shall be made to the payment center pursuant to section 454.530 as trustee for such person. The notification by the division shall, in and of itself, authorize the payment center pursuant to section 454.530 to be trustee, notwithstanding any provision of any existing court order or state law to the contrary, and the court shall not be required to hold a hearing on the matter. The payment center shall keep an accurate record of such orders and

payments, and shall report all such collections to the division in a manner specified by the division. The payment center shall forward all such payments to the person receiving child support services pursuant to section 454.425 or to the IV-D agency in the state in which the person is currently receiving IV-D services, as appropriate.

3. The division is authorized to terminate trusteeship responsibilities for future support in IV-D cases pursuant to the procedures set forth in this section. If the division determines that the order no longer provides a continuing obligation for support or the custodial party is no longer receiving child support enforcement services, the division shall send a notice of its intent to terminate the trusteeship by regular mail to the custodial and noncustodial parties. The notice shall advise each party that unless written objection is received by the division within fifteen days of the date the notice is sent, the trusteeship for current support shall be terminated. Unless a party objects to the termination of the trusteeship in writing within the specified period, the division shall terminate the trusteeship for current support.

4. If an objection is filed by either party to the case, the trusteeship may be terminated for future support only upon the filing of a motion with the court in which the trusteeship is established and after notice to all parties and hearing on the motion.

5. If the requirements of subsection 3 of this section have been met, the trusteeship responsibilities for future support shall terminate. The trusteeship shall remain in effect only to the extent that payments are made to satisfy any accrued unpaid support that was due as of the date of the notice. The notice shall, in and of itself, terminate the trusteeship responsibilities for future support, and the court need not hold a hearing on the matter.

6. Any party whose trusteeship is terminated pursuant to this section may reopen a trusteeship pursuant to section 452.345.

7. Termination of a trusteeship pursuant to this section shall not, in and of itself, constitute a judicial determination as to the rights of a party to receive support or the obligation of a party to pay support pursuant to a support order entered in the case.

454.432. CIRCUIT CLERK, RECORDING OF CREDITS FOR AMOUNTS NOT RECEIVED, RESTRICTIONS, CREDITS ON STATE DEBT FOR JOB TRAINING AND EDUCATION, CONDITIONS AND RESTRICTIONS. — 1. The circuit clerk in a case that is not a IV-D case or the division in a IV-D case shall record credits on the automated child support system records established pursuant to this chapter or chapter 452 for amounts not received by the clerk or the division.

2. Credits allowed pursuant to this section shall include, but not be limited to, in-kind payments as provided in this section, amounts collected from an obligor from federal and state income tax refunds, state lottery payments, Social Security payments, unemployment and workers' compensation benefits, income withholdings authorized by law, liens, garnishment actions, abatements pursuant to section 452.340, and any other amounts required to be credited by statute or case law.

3. Credits shall be recorded on the trusteeship record for payments received by the **family support** division [of child support enforcement] and, at the discretion of the **family support** division [of child support enforcement], and upon receipt of waivers requested pursuant to subsection 4 of this section, credits may be given on state debt judgments obtained pursuant to subsection 1 of section 454.465 for completion of such activities as job training and education, if mutually agreed upon by the division and the obligor. The circuit clerk shall make such credits upon receipt of paper or electronic notification of the amount of the credit from the division. The division may record the credit or adjust the records to reflect payments and disbursements shown on the trusteeship record when the trusteeship record is contained or maintained in the automated child support system established in this chapter.

4. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements pursuant to federal law necessary to implement the provisions of subsection 3 of this section.

5. Credits shall be entered on the automated child support system for direct and in-kind payments received by the custodial parent when the custodial parent files an affidavit stating the particulars of the direct and in-kind payments to be credited on the court record with the circuit clerk; however, no such credits shall be entered for periods during which child support payments are assigned to the state pursuant to law. Such credits may include, but shall not be limited to, partial and complete satisfaction of judgment for support arrearages.

6. Nothing contained in this section shall prohibit satisfaction of judgment as provided for in sections 511.570 to 511.620 and by supreme court rule.

7. Application for the federal earned income tax credit shall, when applicable, be required as a condition of participating in the alternative child support credit programs of subsection 3 of this section.

454.433. ORDER OF FOREIGN COURTS, NOTIFICATION BY DIVISION, DUTIES OF CIRCUIT CLERK — CLERK OR FAMILY SUPPORT PAYMENT CENTER TRUSTEE, DUTY TO KEEP RECORDS. — 1. When a tribunal of another state as defined in section 454.850 has ordered support payments to a person who has made an assignment of child support rights to the **family support** division [of family services] or who is receiving child support services pursuant to section 454.425, the **family support** division [of child support enforcement] may notify the court of this state in the county in which the obligor, obligee or the child resides or works. Until October 1, 1999, upon such notice the circuit clerk shall accept all support payments and remit such payments to the person or entity entitled to receive the payments. Effective October 1, 1999, the division shall order the payment center to accept all support payments and remit such payments to the person or entity entitled to receive the payments.

2. Notwithstanding any provision of law to the contrary, the notification to the court by the division shall authorize the court to make the clerk trustee. The clerk shall keep an accurate record of such payments and shall report all collections to the division in the manner specified by the division. Effective October 1, 1999, the duties of the clerk as trustee pursuant to this section shall terminate and all payments shall be made to the payment center pursuant to section 454.530.

454.435. PROSECUTING ATTORNEYS, COOPERATIVE OR MULTIPLE COUNTY AGREEMENT, DUTIES — OTHER ATTORNEYS MAY PROSECUTE, WHEN. — 1. Each prosecuting attorney may enter into a cooperative agreement or may enter into a multiple county agreement to litigate or prosecute any action necessary to secure support for any person referred to such office by the **family support** division [of child support enforcement] including, but not limited to, reciprocal actions under this chapter, actions to establish, modify and enforce support obligations, actions to enforce medical support obligations ordered in conjunction with a child support obligation, actions to obtain reimbursement for the cost of medical care provided by the state for which an obligor is liable under subsection 9 of section 208.215, and actions to establish the paternity of a child for whom support is sought. In all cases where a prosecuting attorney seeks the establishment or modification of a support obligation, the prosecuting attorney shall, in addition to periodic monetary support, seek and enforce orders from the court directing the obligated parent to maintain medical insurance on behalf of the child for whom support is sought, which insurance shall, in the opinion of the court, be sufficient to provide adequate medical coverage; or to otherwise provide for such child's necessary medical expenses.

2. In all cases where a prosecuting attorney has entered into a cooperative agreement to litigate or prosecute an action necessary to secure child support, and an information is not filed or civil action commenced within sixty days of the receipt of the referral from the division, the division may demand return of the referral and the case filed and the prosecuting attorney shall return the referral and the case file. The division may then use any other attorney which it employs or with whom it has a cooperative agreement to establish or enforce the support obligation.

3. As used in this section, the term "prosecuting attorney" means, with reference to any city not within a county, the circuit attorney.

4. Prosecuting attorneys are hereby authorized to initiate judicial or administrative modification proceedings on IV-D cases at the request of the division.

454.440. DEFINITIONS — DIVISION MAY USE PARENT LOCATOR SERVICE, WHEN — FINANCIAL ENTITIES TO PROVIDE INFORMATION, WHEN, PENALTY FOR REFUSAL, IMMUNITY — STATEMENT OF ABSENT PARENTS, CONTENTS — PROHIBITED ACTS, PENALTIES — CONFIDENTIALITY OF RECORDS, EXCEPTIONS, PENALTIES. — 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Business" includes any corporation, partnership, association, individual, and labor or other organization including, but not limited to, a public utility or cable company;

(2) "Division", the Missouri **family support** division [of child support enforcement] of the department of social services;

(3) "Financial entity" includes any bank, trust company, savings and loan association, credit union, insurance company, or any corporation, association, partnership, or individual receiving or accepting money or its equivalent on deposit as a business;

(4) "Government agency", any department, board, bureau or other agency of this state or any political subdivision of the state;

(5) "Information" includes, but is not necessarily limited to, the following items:

(a) Full name of the parent;

(b) Social Security number of the parent;

(c) Date of birth of the parent;

(d) Last known mailing and residential address of the parent;

(e) Amount of wages, salaries, earnings or commissions earned by or paid to the parent;

(f) Number of dependents declared by the parent on state and federal tax information and reporting forms;

(g) Name of company, policy numbers and dependent coverage for any medical insurance carried by or on behalf of the parent;

(h) Name of company, policy numbers and cash values, if any, for any life insurance policies or annuity contracts, carried by or on behalf of, or owned by, the parent;

(i) Any retirement benefits, pension plans or stock purchase plans maintained on behalf of, or owned by, the parent and the values thereof, employee contributions thereto, and the extent to which each benefit or plan is vested;

(j) Vital statistics, including records of marriage, birth or divorce;

(k) Tax and revenue records, including information on residence address, employer, income or assets;

(l) Records concerning real or personal property;

(m) Records of occupational, professional or recreational licenses or permits;

(n) Records concerning the ownership and control of corporations, partnerships or other businesses;

(o) Employment security records;

(p) Records concerning motor vehicles;

(q) Records of assets or liabilities;

(r) Corrections records;

(s) Names and addresses of employers of parents;

(t) Motor vehicle records; and

(u) Law enforcement records;

(6) "Parent", a biological or adoptive parent, including a presumed or putative father. The word parent shall also include any person who has been found to be such by:

(a) A court of competent jurisdiction in an action for dissolution of marriage, legal separation, or establishment of the parent and child relationship;

- (b) The division under section 454.485;
- (c) Operation of law under section 210.823; or
- (d) A court or administrative tribunal of another state.

2. For the purpose of locating and determining financial resources of the parents relating to establishment of paternity or to establish, modify or enforce support orders, the division or other state IV-D agency may request and receive information from the federal Parent Locator Service, from available records in other states, territories and the District of Columbia, from the records of all government agencies, and from businesses and financial entities. A request for information from a public utility or cable television company shall be made by subpoena authorized pursuant to this chapter. The government agencies, businesses, and financial entities shall provide information, if known or chronicled in their business records, notwithstanding any other provision of law making the information confidential. In addition, the division may use all sources of information and available records and, pursuant to agreement with the secretary of the United States Department of Health and Human Services, or the secretary's designee, request and receive from the federal Parent Locator Service information pursuant to 42 U.S.C. Sections 653 and 663, to determine the whereabouts of any parent or child when such information is to be used to locate the parent or child to enforce any state or federal law with respect to the unlawful taking or restraining of a child, or of making or enforcing a child custody or visitation order.

3. Notwithstanding the provisions of subsection 2 of this section, no financial entity shall be required to provide the information requested by the division or other state IV-D agency unless the division or other state IV-D agency alleges that the parent about whom the information is sought is an officer, agent, member, employee, depositor, customer or the insured of the financial institution, or unless the division or other state IV-D agency has complied with the provisions of section 660.330.

4. Any business or financial entity which has received a request from the division or other state IV-D agency as provided by subsections 2 and 3 of this section shall provide the requested information or a statement that any or all of the requested information is not known or available to the business or financial entity, within sixty days of receipt of the request and shall be liable to the state for civil penalties up to one hundred dollars for each day after such sixty-day period in which it fails to provide the information so requested. Upon request of the division or other state IV-D agency, the attorney general shall bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The court shall have the authority to determine the amount of the civil penalty to be assessed.

5. Any business or financial entity, or any officer, agent or employee of such entity, participating in good faith in providing information requested pursuant to subsections 2 and 3 of this section shall be immune from liability, civil or criminal, that might otherwise result from the release of such information to the division.

6. Upon request of the division or other state IV-D agency, any parent shall complete a statement under oath, upon such form as the division or other state IV-D agency may specify, providing information, including, but not necessarily limited to, the parent's monthly income, the parent's total income for the previous year, the number and name of the parent's dependents and the amount of support the parent provides to each, the nature and extent of the parent's assets, and such other information pertinent to the support of the dependent as the division or other state IV-D agency may request. Upon request of the division or other state IV-D agency, such statements shall be completed annually. Failure to comply with this subsection is a class A misdemeanor.

7. The disclosure of any information provided to the business or financial entity by the division or other state IV-D agency, or the disclosure of any information regarding the identity of any applicant for or recipient of public assistance, by an officer or employee of any business or financial entity, or by any person receiving such information from such employee or officer is prohibited. Any person violating this subsection is guilty of a class A misdemeanor.

8. Any person who willfully requests, obtains or seeks to obtain information pursuant to this section under false pretenses, or who willfully communicates or seeks to communicate such information to any agency or person except pursuant to this chapter, is guilty of a class A misdemeanor.

9. For the protection of applicants and recipients of services pursuant to sections 454.400 to 454.645, all officers and employees of, and persons and entities under contract to, the state of Missouri are prohibited, except as otherwise provided in this subsection, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of services or relating to proceedings or actions to establish paternity or to establish or enforce support, or relating to the contents of any records, files, papers and communications, except in the administration of the child support program or the administration of public assistance, including civil or criminal proceedings or investigations conducted in connection with the administration of the child support program or the administration of public assistance. Such officers, employees, persons or entities are specifically prohibited from disclosing any information relating to the location of one party to another party:

- (1) If a protective order has been entered against the other party; or
- (2) If there is reason to believe that such disclosure of information may result in physical or emotional harm to the other party.

In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of child support services or public assistance, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence. Nothing in this subsection shall be construed to prohibit the circuit clerk from releasing information, not otherwise privileged, from court records for reasons other than the administration of the child support program, if such information does not identify any individual as an applicant for or recipient of services pursuant to sections 454.400 to 454.645. Anyone who purposely or knowingly violates this subsection is guilty of a class A misdemeanor.

454.445. FEES FOR CERTAIN ACTIONS AND DOCUMENTS, DIVISION NOT REQUIRED TO PAY. — No deposit or other filing fee, court fee, library fee, or fee for making copies of documents shall be required to be paid by the **family support** division [of child support enforcement], or any attorney bringing action pursuant to a referral by the **family support** division [of child support enforcement], by any circuit clerk or other county or state officer for the filing of any action or document necessary to establish paternity, or to establish, modify or enforce a child support obligation.

454.450. SUPPORT MONEY OWED STATE DUE, WHEN, FAILURE TO PAY WITHIN TIME LIMIT, RIGHTS OF FAMILY SERVICES — AGREEMENTS FOR COLLECTION OF SUPPORT, INVALID, WHEN, FEE ALLOWED PERSON MAKING COLLECTION, WHEN, AMOUNT — DEPRIVING DIVISION OF SUPPORT PAYMENTS, PENALTY. — 1. Whenever a custodian of a child, or other person, receives support moneys paid to him or her, which moneys are paid in whole or in part in satisfaction of a support obligation which is owed to the **family support** division [of family services pursuant to] **under** subsection 2 of section 454.465, or which has been assigned to the **family support** division [of family services pursuant to] **under** subsection 2 of section 208.040, the moneys shall be remitted to the department of social services within ten days of receipt by such custodian or other person. If not so remitted, such custodian or other person shall be indebted to the department in an amount equal to the amount of the support money received and not remitted. By not paying over the moneys to the department, such custodian or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the **family support** division [of family services] of any support delinquency owed which is not already assigned to the **family support** division [of

family services] or to any support delinquency which may accrue in the future in an amount equal to the amount of the support money retained. The department may utilize any available administrative or legal process to collect the assigned delinquency to effect recoupment and satisfaction of the debt incurred by reason of the failure of such custodian or other person to remit. The department is also authorized to make a setoff to effect satisfaction of the debt by deduction from support moneys in its possession or in the possession of any clerk of the court or other forwarding agent which would otherwise be payable to such custodian or other person for the satisfaction of any support delinquency. Nothing in this section authorizes the department to make a setoff as to current support paid during the month for which the payment is due and owing.

2. A custodian of a child, or other person, who has made an assignment of support rights to the **family support** division [of family services,] shall not make any agreement with any private attorney or other person regarding the collection of assigned support obligations without approval of the department of social services. If any private attorney or other person who in good faith and without knowledge of such assignment collects all or part of the assigned support obligations, any agreement regarding the distribution of the proceeds of the assigned support obligations by such private attorney or other person shall not bind the department; provided, however, the department shall be liable to such private attorney or other person for a fee computed in accordance with subsection 3 of this section. When a private attorney or other person has begun to collect a support obligation, and thereafter a notice of assignment of support rights to the division is filed with the court pursuant to section 454.415, notice of such assignment shall be given to that attorney or other person as provided by supreme court rule 43.01.

3. (1) Where an assignment of support rights has been made to the **family support** division [of family services] but notice of such assignment was not filed with the court pursuant to section 454.415, a private attorney who in good faith and without knowledge of such assignment collects all or part of such assigned support obligation shall be awarded by the department a fee of twenty-five percent of the support obligation collected. Such fees shall be paid out of state funds in lieu of federal funds.

(2) Where an assignment of support rights has been made to the **family support** division [of family services] and notice of the assignment was not filed with the court pursuant to section 454.415 until after the private attorney has begun collection proceedings, a private attorney who collects assigned support obligations shall be awarded a fee, as the court shall determine, based upon the time expended, but in no event shall the fee exceed twenty-five percent of the support obligation collected.

(3) Where no assignment of support rights has been made to the **family support** division [of family services] until after the private attorney has collected any part of the support obligation, no recoupment shall be had by the department of the portion collected, and the fee awarded to the private attorney or other person shall be the fee negotiated between the client and the private attorney or other person.

4. A person commits the crime of stealing, as defined by section 570.030, if [he] **such person** takes, obtains, uses, transfers, conceals, or retains possession of child support payments which have been assigned to the **family support** division [of family services] with the purpose to deprive the division thereof, either without the consent of the division or by means of deceit or coercion.

454.455. ASSIGNMENTS BY CARETAKER RELATIVES, TERMINATE, WHEN, EXCEPTIONS — CARETAKER RELATIVE DEFINED. — 1. In any case wherein an order for child support has been entered and the legal custodian and obligee pursuant to the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, and the caretaker relative makes an assignment of support rights to the **family support** division [of family services] in order to receive aid to families with dependent children benefits, the

relinquishment and the assignment, by operation of law, shall transfer the child support obligation pursuant to the order to the division in behalf of the state. The assignment shall terminate when the caretaker relative no longer has physical custody of the child, except for those unpaid support obligations still owing to the state pursuant to the assignment at that time.

2. As used in subsection 1 of this section, the term "caretaker relative" includes only those persons listed in subdivision (2) of subsection 1 of section 208.040.

3. If an order for child support has been entered, no assignment of support has been made, and the legal custodian and obligee under the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, or the child is placed by the court in the legal custody of a state agency, the division may, thirty days after the transfer of custody and upon notice to the obligor and obligee, direct the obligor or other payer to change the payee to the caretaker relative or appropriate state agency. An order changing the payee to a caretaker relative shall terminate when the caretaker relative no longer has physical custody of the child, or the state agency is relieved of legal custody, except for the unpaid support obligations still owed to the caretaker relative or the state.

4. If there has been an assignment of support to an agency or division of the state or a requirement to pay through a state disbursement unit, the division may, upon notice to the obligor and obligee, direct the obligor or other payer to change the payee to the appropriate state agency.

454.460. DEFINITIONS. — As used in sections 454.400 to 454.560, unless the context clearly indicates otherwise, the following terms mean:

(1) "Court", any circuit court of this state and any court or agency of any other state having jurisdiction to determine the liability of persons for the support of another person;

(2) "Court order", any judgment, decree, or order of any court which orders payment of a set or determinable amount of support money;

(3) "Department", the department of social services of the state of Missouri;

(4) "Dependent child", any person under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the Armed Forces of the United States;

(5) "Director", the director of the **family support** division [of child support enforcement], or the director's designee;

(6) "Division", the **family support** division [of child support enforcement] of the department of social services of the state of Missouri;

(7) "IV-D agency", an agency designated by a state to administer programs under Title IV-D of the Social Security Act;

(8) "IV-D case", a case in which services are being provided pursuant to section 454.400;

(9) "Obligee", any person, state, or political subdivision to whom or to which a duty of support is owed as determined by a court or administrative agency of competent jurisdiction;

(10) "Obligor", any person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction;

(11) "Parent", a biological or adoptive parent, including a presumed or putative father. The word parent shall also include any person who has been found to be such by:

(a) A court of competent jurisdiction in an action for dissolution of marriage, legal separation, or establishment of the parent and child relationship;

(b) The division under section 454.485;

(c) Operation of law under section 210.823; or

(d) A court or administrative tribunal of another state;

(12) "Public assistance", any cash or benefit pursuant to Part IV-A, Part IV-B, Part IV-E, or Title XIX of the federal Social Security Act paid by the department to or for the benefit of any dependent child or any public assistance assigned to the state;

(13) "State", any state or political subdivision, territory or possession of the United States, District of Columbia, and the Commonwealth of Puerto Rico;

(14) "Support order", a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority pursuant to the law of the issuing state, or of the parent with whom the child is living and providing monetary support, health care, child care, arrearages or reimbursement for such child, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees and other relief.

454.465. STATE DEBT, DEFINED, CALCULATION — RIGHTS OF DIVISION REGARDING STATE DEBTS — SERVICE OF PROCESS, PROCEDURE. — 1. For purposes of sections 454.460 to 454.505, a payment of public assistance by the **family support** division [of family services] to or for the benefit of any dependent child, including any payment made for the benefit of the caretaker of the child, creates an obligation, to be called "state debt", which is due and owing to the department by the parent, or parents, absent from the home where the dependent child resided at the time the public assistance was paid. The amount of the state debt shall be determined as follows:

(1) Where there exists a court order directed to a parent which covers that parent's support obligation to a dependent during a period in which the **family support** division [of family services] provided public assistance to or for the benefit of that dependent, the state debt of that parent shall be an amount equal to the obligation ordered by the court, including arrearages and unpaid medical expenses, up to the full amount of public assistance paid; or

(2) Where no court order covers a parent's support obligation to a dependent during a period in which the **family support** division [of family services] provided public assistance to or for the benefit of that dependent, the state debt may be set or reset by the director in an amount not to exceed the amount of public assistance so provided by the **family support** division [of family services].

2. No agreement between any obligee and any obligor regarding any duty of support, or responsibility therefor, or purporting to settle past, present, or future support obligations either as settlement or prepayment shall act to reduce or terminate any rights of the division to recover from that obligor for public assistance provided.

3. The division shall have the right to make a motion to a court or administrative tribunal for modification of any court order creating a support obligation which has been assigned to the **family support** division [of family services] to the same extent as a party to that action.

4. The department, or any division thereof, as designated by the department director is hereby authorized to promulgate such rules pursuant to section 454.400 and chapter 536 as may be necessary to carry out the provisions of this chapter and the requirements of the federal Social Security Act, including, but not necessarily limited to, the opportunity for a hearing to contest an order of the division establishing or modifying support rules for narrowing issues and simplifying the methods of proof at hearings, and establishing procedures for notice and the manner of service to be employed in all proceedings and remedies instituted pursuant to sections 454.460 to 454.505.

5. Service pursuant to sections 454.460 to 454.505 may be made on the parent or other party in the manner prescribed for service of process in a civil action, by an authorized process server appointed by the director, or by certified mail, return receipt requested. The director may appoint any uninterested party, including, but not necessarily limited to, employees of the division, to serve such process. For the purposes of this subsection, a parent who refuses receipt of service by certified mail is deemed to have been served.

6. Creation of or exemption from a state debt pursuant to this section shall not limit any rights which the department has or may obtain pursuant to common or statutory law, including, but not limited to, those obtained pursuant to an assignment of support rights obtained pursuant to section 208.040.

454.472. NO SUIT MAINTAINED IF CHILD SUPPORT IS CURRENT. — No garnishment, withholding, or other financial legal proceeding under chapter 454 to enforce a support order as defined in section 454.460 shall be levied or maintained by the **family support** division [of child support enforcement] against a party who alleges that no current or unpaid child support is due if, after review of the allegations and evidence, the division determines that no current or unpaid child support is due. The enforcement action may continue pending a review by the division, and the division may only levy an enforcement action if current or unpaid support should later become due and owing. The division shall advise a party to a support obligation being enforced by the division of the amount currently due under the support order and how that amount was calculated upon request.

454.478. SUMMARY OF EXPENSES REQUIRED, WHEN. — In cases where an administrative order is entered pursuant to the provisions of section 454.470 or section 454.476, the director of the **family support** division [of child support enforcement] may, upon petition of the party obligated to pay support and upon good cause shown, order the recipient to furnish the party obligated to pay support with a regular summary of expenses paid by such parent on behalf of the child. The director shall prescribe the form and substance of the summary.

454.490. ORDERS ENTERED BY DIRECTOR, DOCKETING OF, EFFECT. — 1. A true copy of any order entered by the director pursuant to sections 454.460 to 454.997, along with a true copy of the return of service, may be filed with the clerk of the circuit court in the county in which the judgment of dissolution or paternity has been entered, or if no such judgment was entered, in the county where either the parent or the dependent child resides or where the support order was filed. Upon filing, the clerk shall enter the order in the judgment docket. Upon docketing, the order shall have all the force, effect, and attributes of a docketed order or decree of the circuit court, including, but not limited to, lien effect and enforceability by supplementary proceedings, contempt of court, execution and garnishment. Any administrative order or decision of the **family support** division [of child support enforcement] filed in the office of the circuit clerk of the court shall not be required to be signed by an attorney, as provided by supreme court rule of civil procedures 55.03(a), or required to have any further pleading other than the director's order.

2. In addition to any other provision to enforce an order docketed pursuant to this section or any other support order of the court, the court may, upon petition by the division, require that an obligor who owes past due support to pay support in accordance with a plan approved by the court, or if the obligor is subject to such plan and is not incapacitated, the court may require the obligor to participate in work activities.

3. In addition to any other provision to enforce an order docketed pursuant to this section or any other support order of the court, division or other IV-D agency, the director may order that an obligor who owes past due support to pay support in accordance with a plan approved by the director, or if the obligor is subject to such plan and is not incapacitated, the director may order the obligor to participate in work activities. The order of the director shall be filed with a court pursuant to subsection 1 of this section and shall be enforceable as an order of the court.

4. As used in this section, "work activities" include:

- (1) Unsubsidized employment;
 - (2) Subsidized private sector employment;
 - (3) Subsidized public sector employment;
 - (4) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - (5) On-the-job training;
 - (6) Job search and readiness assistance;
 - (7) Community services programs;
 - (8) Vocational educational training, not to exceed twelve months for any individual;
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- (9) Job skills training directly related to employment;
- (10) Education directly related to employment for an individual who has not received a high school diploma or its equivalent;
- (11) Satisfactory attendance at a secondary school or course of study leading to a certificate of general equivalence for an individual who has not completed secondary school or received such a certificate; or
- (12) The provision of child care services to an individual who is participating in a community service program.

454.495. CIRCUIT CLERK OR FAMILY SUPPORT PAYMENT CENTER MADE TRUSTEE, WHEN, DUTIES—ASSIGNMENT, DEFINED. — 1. Until October 1, 1999, when an administrative order has been docketed pursuant to section 454.490, the court shall order all support payments to be made to the circuit clerk as trustee for the division of family services or other person entitled to receive such payments pursuant to the order. The filing of such order by the director shall in and of itself authorize the court to make the circuit clerk the trustee, notwithstanding any existing court order, statute, or other law to the contrary, and the court need not hold a hearing on the matter. The circuit clerk shall:

- (1) Forward all such payments to the department or other person entitled to receive such payments pursuant to the order;
- (2) Keep an accurate record of the orders and the payments; and
- (3) Report all such collections to the department in the manner specified by the department.

2. Effective October 1, 1999, and if an administrative order has been docketed pursuant to section 454.490, the payment center pursuant to section 454.530 shall be trustee for the **family support** division [of family services] or other person entitled to receive such payments pursuant to the order. The order by the director shall, in and of itself, authorize the payment center to be the trustee, notwithstanding any existing court order or state law to the contrary, and the court shall not be required to hold a hearing on the matter. The payment center shall:

- (1) Forward all such payments to the department or other person entitled to receive such payments pursuant to the order;
- (2) Keep an accurate record of the orders and payments; and
- (3) Report all such collections to the division in the manner specified by the division.

3. As used in this section, "assignment" includes an assignment to the state by a person who has applied for or is receiving assistance under a program funded pursuant to Part A of Title IV or Title XIX of the Social Security Act.

454.496. MOTION TO MODIFY ORDER, REVIEW — FORM OF MOTION, SERVICE, PROCEDURE — EFFECTIVE, WHEN — VENUE FOR JUDICIAL REVIEW OF ADMINISTRATIVE ORDER, PROCEDURE. — 1. At any time after the entry of a court order for child support in a case in which support rights have been assigned to the state pursuant to section 208.040, or a case in which support enforcement services are being provided pursuant to section 454.425, the obligated parent, the obligee or the **family support** division [of child support enforcement] may file a motion to modify the existing child support order pursuant to this section, if a review has first been completed by the director of [child support enforcement pursuant to] **the family support division under** subdivision (13) of subsection 2 of section 454.400. The motion shall be in writing in a form prescribed by the director, shall set out the reasons for modification and shall state the telephone number and address of the moving party. The motion shall be served in the same manner provided for in subsection 5 of section 454.465 upon the obligated parent, the obligee and the division, as appropriate. In addition, if the support rights are held by the **family support** division [of family services] on behalf of the state, the moving party shall mail a true copy of the motion by certified mail to the person having custody of the dependent child at the last known address of that person. The party against whom the motion is made shall have thirty days either to resolve the matter by stipulated agreement or to serve the moving party and the director, as appropriate, by regular mail with a written response setting forth any objections

to the motion and a request for hearing. When requested, the hearing shall be conducted pursuant to section 454.475 by hearing officers designated by the department of social services. In such proceedings, the hearing officers shall have the authority granted to the director pursuant to subsection 6 of section 454.465.

2. When no objections and request for hearing have been served within thirty days, the director, upon proof of service, shall enter an order granting the relief sought. Copies of the order shall be mailed to the parties within fourteen days of issuance.

3. A motion to modify made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order unless so ordered by the court in which the order is docketed.

4. The only support payments which may be modified are payments accruing subsequent to the service of the motion upon all parties to the motion.

5. The party requesting modification shall have the burden of proving that a modification is appropriate pursuant to the provisions of section 452.370.

6. Notwithstanding the provisions of section 454.490 to the contrary, an administrative order modifying a court order is not effective until the administrative order is filed with and approved by the court that entered the court order. The court may approve the administrative order if no party affected by the decision has filed a petition for judicial review pursuant to sections 536.100 to 536.140. After the thirty-day time period for filing a petition of judicial review pursuant to chapter 536 has passed, the court shall render its decision within fifteen days. If the court finds the administrative order should be approved, the court shall make a written finding on the record that the order complies with section 452.340 and applicable supreme court rules and approve the order. If the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo.

7. If a petition for judicial review is filed, the court shall review all pleadings and the administrative record, as defined in section 536.130, pursuant to section 536.140. After such review, the court shall determine if the administrative order complies with section 452.340 and applicable supreme court rules. If it so determines, the court shall make a written finding on the record that the order complies with section 452.340 and applicable supreme court rules and approve the order or, if after review pursuant to section 536.140 the court finds that the administrative order does not comply with supreme court rule 88.01, the court may select any of the remedies set forth in subsection 5 of section 536.140. The court shall notify the parties and the division of any setting pursuant to this section.

8. Notwithstanding the venue provisions of chapter 536 to the contrary, for the filing of petitions for judicial review of final agency decisions and contested cases, the venue for the filing of a petition for judicial review contesting an administrative order entered pursuant to this section modifying a judicial order shall be in the court which entered the judicial order. In such cases in which a petition for judicial review has been filed, the court shall consider the matters raised in the petition and determine if the administrative order complies with section 452.340 and applicable supreme court rules. If the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo. The court shall notify the parties and the division of the setting of such proceeding. If the court determines that the matters raised in the petition are without merit and that the administrative order complies with the provisions of section 452.340 and applicable supreme court rules, the court shall approve the order.

454.500. MODIFICATION OF AN ADMINISTRATIVE ORDER, PROCEDURE, EFFECT — RELIEF FROM ORDERS, WHEN. — 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the obligated parent, the division, or the person or agency having custody of the dependent child may file a motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for modification, and shall state the address of the moving party. The motion shall be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party holding the support

rights, as appropriate. In addition, if the support rights are held by the **family support** division [of family services] on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified mail to the person having custody of the dependent child at the last known address of that person. A hearing on the motion shall then be provided in the same manner, and determinations shall be based on considerations set out in section 454.475, unless the party served fails to respond within thirty days, in which case the director may enter an order by default. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370. If the director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the appropriate agent to receive the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the obligee or obligor by certified mail.

2. A motion for modification made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support award, the director, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable.

4. The circuit court may, upon such terms as may be just, relieve a parent from an administrative order entered against that parent because of mistake, inadvertence, surprise, or excusable neglect.

5. No order entered pursuant to section 454.476 shall be modifiable pursuant to this section, except that an order entered pursuant to section 454.476 shall be amended by the director to conform with any modification made by the court that entered the court order upon which the director based his or her order.

6. When the party seeking modifications has met the burden of proof set forth in subsection 3 of this section, then the child support shall be determined in conformity with the criteria set forth in supreme court rule 88.01.

7. The last four digits of the Social Security number of the parents shall be recorded on any order entered pursuant to this section. The full Social Security number of each party and each child shall be retained in the manner required by section 509.520.

454.505. GARNISHMENT OF WAGES, WHEN, PROCEDURE, LIMITATIONS — NOTICE TO EMPLOYER, CONTENTS — EMPLOYER, DUTIES, LIABILITIES — PRIORITIES — DISCHARGE OF EMPLOYEE PROHIBITED, WHEN, PENALTIES FOR — ORDERS ISSUED BY ANOTHER STATE, LAWS TO GOVERN. — 1. In addition to any other remedy provided by law for the enforcement

of support, if a support order has been entered, the director shall issue an order directing any employer or other payer of the parent to withhold and pay over to the division, the payment center pursuant to section 454.530 or the clerk of the circuit court in the county in which a trusteeship is or will be established, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

(1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the parties that provides for an alternative payment arrangement.

If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation.

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the Social Security number of the obligor if available. In addition, the order shall contain a provision that the obligor shall notify the **family support** division [of child support enforcement] regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of section 454.460 and this section shall be appended to the order.

3. An order entered pursuant to this section shall be served on the employer or other payer either by regular mail or by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payer two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payer shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payer shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payer shall, along with the amounts transmitted, provide the date the amount was withheld from each obligor. If the order does not contain the

Social Security number of the obligor, the employer or other payer shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payer other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payer on the date of service or which may come into the possession of the payer after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The division shall notify an employer or other payer upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the payment center pursuant to the order as to future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payer may, at the request of the obligee or the director, withhold and pay over to the payment center an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payer upon whom it is directed until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payer who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payer who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payer for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payer of the obligated parent in the same manner and to the same extent as where the employer or other payer is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payer is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payer may transmit all such withholdings which are to be remitted to the same circuit clerk, other collection unit or to the payment center after October 1, 1999, as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

454.513. ATTORNEY REPRESENTATION EXCLUSIVE — ATTORNEY/CLIENT RELATIONSHIP NOT TO EXIST, WHEN — NOTICE TO PARTY NOT REPRESENTED BY ATTORNEY, WHEN. — 1. Any attorney initiating any legal proceedings at the request of the

Missouri **family support** division [of child support enforcement] shall represent the state of Missouri, department of social services, **family support** division [of child support enforcement] exclusively. An attorney/client relationship shall not exist between the attorney and any applicant or recipient of child support enforcement services for and on behalf of a child or children, without regard to the name in which legal proceedings are initiated. The provisions of this section shall apply to a prosecuting attorney, circuit attorney, attorney employed by the state or attorney under contract with the **family support** division [of child support enforcement].

2. An attorney representing the division in a proceeding in which a child support obligation may be established or modified shall, whenever possible, notify an applicant or recipient of child support enforcement services of such proceedings if such applicant or recipient is a party to such a proceeding but is not represented by an attorney.

454.530. FAMILY SUPPORT PAYMENT CENTER ESTABLISHED BY THE DIVISION FOR CHILD SUPPORT ORDERS —DISBURSEMENT OF CHILD SUPPORT —BUSINESS DAY, DEFINED —ELECTRONIC FUNDS TRANSFER SYSTEM. — 1. On or before October 1, 1999, the **family support** division [of child support enforcement] shall establish and operate a state disbursement unit to be known as the "Family Support Payment Center" for the receipt and disbursement of payments pursuant to support orders for:

- (1) All cases enforced by the division pursuant to section 454.400; and
- (2) Any case required by federal law to be collected or disbursed by the payment center including, but not limited to, cases in which a support order is initially issued on or after January 1, 1994, in which the income of the obligor is subject to withholding; and
- (3) Beginning July 1, 2001:
 - (a) Any other case with a support order in which payments are ordered or directed by a court or the division to be made to the payment center or in which the income of the obligor is subject to withholding; and
 - (b) Any case prior to July 1, 2001, in which support payments are ordered paid to the clerk of the court as trustee pursuant to section 452.345.

2. The family support payment center shall be operated by the division, in conjunction with other state agencies pursuant to a cooperative agreement, or by a contractor responsible directly to the division. Notwithstanding any other provision of law to the contrary, after notice by the division or the court that issued the support order to the obligor that all future payments shall be made to the payment center, the payment center shall become trustee for payments made by parents, employers, states and other entities, and all future payments shall be made to the payment center. The payment center shall disburse payments to custodial parents and other obligees, the state or agencies of other states. If the payment center is operated by a contractor and the contractor receives and disburses the payments, the contractor shall have an annual audit conducted by an independent certified public accountant. The audit will determine whether funds received are disbursed or otherwise accounted for, and make recommendations as to the procedures and changes that the contractor should take to protect the funds received from misappropriation and theft. A copy of the audit shall be delivered to the division, the office of administration and the office of the state courts administrator.

3. Except as otherwise provided in sections 454.530 to 454.560, the payment center shall disburse support payments within two business days after receipt from the employer or other source of periodic income, if sufficient information identifying the payee is provided. As used in sections 454.530 to 454.560, "business day" means a day state government offices are open for regular business. Disbursement of payments made toward arrearages may be delayed until the resolution of any timely appeal with respect to such arrearage or upon order of a court.

4. The family support payment center shall establish an electronic funds transfer system for the transfer of child support payments. Obligees who want electronic transfer of support payments to a designated account shall complete an application for direct deposit and submit it to the family support payment center. The family support payment center may issue an

electronic access card for the purpose of disbursing support payments to any obligee not using automated deposit to a designated account. Any person or employer may, without penalty, choose to disburse payments to the payment center by check or draft instead of by electronic transfer.

454.531. RECOVERY OF ERRONEOUSLY PAID CHILD SUPPORT, PROCEDURES — PENALTY. — 1. Whenever a parent or other person receives support moneys for a child paid to him or her by the **family support** division [of child support enforcement pursuant to] **under** the provisions of chapter 454, and the division subsequently determines that such payment, through no fault of the division, was erroneously made, either in good faith, or due to fraud or receipt of inaccurate information from the recipient of such support, such parent or other person shall be indebted to the division in an amount equal to the amount of the support money received by the parent or other person for that child. The division may utilize any available administrative or legal process to collect the erroneously paid support to effect recoupment and satisfaction of the debt incurred by reason of the failure of such parent or other person to reimburse the division for such erroneously paid child support. The division is also authorized to make a setoff to effect satisfaction of the debt by deduction from support moneys for that child in its possession or in the possession of any clerk of the court or other forwarding agent which would otherwise be payable to such parent or other person for the satisfaction of any support reimbursement. Nothing in this section authorizes the division to make a setoff as to current support paid during the month for which the payment is due and owing.

2. A person commits the crime of stealing, as defined by section 570.030, if he or she knowingly retains possession of child support payments which have been erroneously paid by the division through no fault of the division and the division has requested reimbursement of such support paid, if the purpose is to deprive the division of such reimbursement, either without the consent of the division or by means of deceit or coercion.

454.565. REPORT TO THE GENERAL ASSEMBLY, WHEN. — Beginning in 2000, the **family support** division [of child support enforcement] shall report to the general assembly regarding the family support payment center by December 1, 2000, and by each December first thereafter. Such report shall include recommendations and an analysis of the efficiency and effectiveness of the system.

454.600. DEFINITIONS. — As used in sections 454.600 to 454.645, the following terms mean:

- (1) "Court", any circuit court establishing a support obligation pursuant to an action under this chapter, chapter 210, chapter 211 or chapter 452;
- (2) "Director", the director of the **family support** division [of child support enforcement] of the department of social services;
- (3) "Division", the **family support** division [of child support enforcement] of the department of social services;
- (4) "Employer", any individual, organization, agency, business or corporation hiring an obligor for pay;
- (5) "Health benefit plan", any benefit plan or combination of plans, other than public assistance programs, providing medical or dental care or benefits through insurance or otherwise, including but not limited to health service corporations, as defined in section 354.010; prepaid dental plans, as defined in section 354.700; health maintenance organization plans, as defined in section 354.400; and self-insurance plans, to the extent allowed by federal law;
- (6) "Minor child", a child for whom a support obligation exists under law;
- (7) "Obligee", a person to whom a duty of support is owed or a person, including any division of the department of social services, who has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order, regardless of whether the person to whom a duty of support is owed is a recipient of public assistance;

(8) "Obligor", a person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced; and

(9) "TV-D case", a case in which support rights have been assigned to the state of Missouri pursuant to section 208.040, or in which the **family support** division [of child support enforcement] is providing support enforcement services pursuant to section 454.425.

454.700. INSURER TO PERMIT ENROLLMENT, WHEN — DUTIES OF EMPLOYER — GARNISHMENT OF INCOME PERMITTED, WHEN. — 1. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and a parent is eligible through employment, under the provisions of the federal Comprehensive Omnibus Budget Reconciliation Act (COBRA) or the provisions of section 376.892, or for health coverage through an insurer or group health plan, any insurers, including group health plans as defined in Section 607(1) of the federal Employee Retirement Income Security Act of 1974, offering, issuing, or renewing policies in this state on or after July 1, 1994, shall:

(1) Permit such parent to enroll under such coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;

(2) Permit enrollment of a child under coverage upon application by the child's other parent, the **family support** division [of child support enforcement], the **MO HealthNet** division [of medical services], or the tribunal of another state, if the parent required by a court or administrative order to provide health coverage fails to make application to obtain coverage for such child;

(3) Not disenroll or eliminate coverage of a child unless:

(a) The insurer is provided satisfactory written evidence that such court or administrative order is no longer in effect; or

(b) The insurer is provided satisfactory written evidence that the child is or will be enrolled in comparable health coverage through another insurer which will take effect no later than the effective date of the disenrollment; or

(c) The employer or union eliminates family health coverage for all of its employees or members; or

(d) Any available continuation coverage is not elected or the period of such coverage expires.

2. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and the parent is eligible for such health coverage through an employer doing business in Missouri, the employer or union shall:

(1) Permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;

(2) Enroll a child under family coverage upon application by the child's other parent, the **family support** division [of child support enforcement], the **MO HealthNet** division [of medical services], or a tribunal of another state, if a parent is enrolled but fails to make application to obtain coverage of such child; and

(3) Not disenroll or eliminate coverage of any such child unless:

(a) The employer or union is provided satisfactory written evidence that such court or administrative order is no longer in effect; or

(b) The employer or union is provided satisfactory written evidence that the child is or will be enrolled in comparable health coverage through another insurer which will take effect not later than the effective date of such disenrollment; or

(c) The employer or union has eliminated family health coverage for all of its employees or members.

3. No insurer may impose any requirements on a state agency, which has been assigned the rights of an individual eligible for medical assistance under chapter 208 and covered for

health benefits from the insurer, that are different from requirements applicable to an agent or assignee of any other individual so covered.

4. All insurers shall in any case in which a child has health coverage through the insurer of a noncustodial parent:

(1) Provide such information to the custodial parent or legal guardian as may be necessary for the child to obtain benefits through such coverage;

(2) Permit the custodial parent or legal guardian, or provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and

(3) Make payment on claims submitted in accordance with subdivision (2) of this subsection directly to the parent, the provider, or the **MO HealthNet** division [of medical services].

5. The **MO HealthNet** division [of medical services] may garnish the wages, salary, or other employment income of, and require withholding amounts from state tax refunds, pursuant to section 143.783, to any person who:

(1) Is required by court or administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance under Medicaid; and

(2) Has received payment from a third party for the costs of such services to such child, but has not used such payment to reimburse, as appropriate, either the other parent or guardian of such child or the provider of such services, to the extent necessary to reimburse the **MO HealthNet** division [of medical services] for expenditures for such costs under its plan. However, claims for current or past due child support shall take priority over claims by the **MO HealthNet** division [of medical services].

6. The remedies for the collection and enforcement of medical support established in this section are in addition to and not in substitution for other remedies provided by law and apply without regard to when the order was entered.

454.853. TRIBUNALS IN MISSOURI. — The courts and the **family support** division [of child support enforcement] are the tribunals of this state.

454.902. FAMILY SUPPORT DIVISION IS STATE INFORMATION AGENCY, DUTIES. — (a) The **family support** division [of child support enforcement] is the state information agency under sections 454.850 to 454.997.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under sections 454.850 to 454.997, and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under sections 454.850 to 454.997, received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and Social Security.

454.1000. DEFINITIONS. — As used in sections 454.1000 to 454.1025, the following terms mean:

- (1) "Arrearage", the amount created by a failure to provide:
 - (a) Support to a child pursuant to an administrative or judicial support order; or
 - (b) Support to a spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such spouse is the custodial parent;
- (2) "Child", a person for whom child support is due pursuant to a support order;
- (3) "Court", any circuit court of the state that enters a support order or a circuit court in which such order is registered or filed;
- (4) "Director", the director of the **family support** division [of child support enforcement];
- (5) "Division", the **family support** division [of child support enforcement] of the department of social services;
- (6) "TV-D case", a case in which support rights are assigned to the state pursuant to section 208.040 or the division is providing support enforcement services pursuant to section 454.425;
- (7) "License", a license, certificate, registration or authorization issued by a licensing authority granting a person a right or privilege to engage in a business, occupation, profession, recreation or other related privilege that is subject to suspension, revocation, forfeiture or termination by the licensing authority prior to its date of expiration, except for any license issued by the department of conservation. Licenses include licenses to operate motor vehicles pursuant to chapter 302, but shall not include motor vehicle registrations pursuant to chapter 301;
- (8) "Licensing authority", any department, except for the department of conservation, division, board, agency or instrumentality of this state or any political subdivision thereof that issues a license. Any board or commission assigned to the division of professional registration is included in the definition of licensing authority;
- (9) "Obligee":
 - (a) A person to whom payments are required to be made pursuant to a support order; or
 - (b) A public agency of this or any other state which has the right to receive current or accrued support payments or provides support enforcement services pursuant to this chapter;
- (10) "Obligor", a person who owes a duty of support;
- (11) "Order suspending a license", an order issued by a court or the director to suspend a license. The order shall contain the name of the obligor, date of birth of the obligor, the type of license and the Social Security number of the obligor;
- (12) "Payment plan" includes, but is not limited to, a written plan approved by the court or division that incorporates an income withholding pursuant to sections 452.350 and 454.505 or a similar plan for periodic payment of an arrearage, and current and future support, if applicable;
- (13) "Support order", an order providing a determinable amount for temporary or final periodic payment of support. Such order may include payment of a determinable amount of insurance, medical or other expenses of the child issued by:
 - (a) A court of this state;
 - (b) A court or administrative agency of competent jurisdiction of another state, an Indian tribe, or a foreign country; or
 - (c) The director of the division.

454.1003. SUSPENSION OF A PROFESSIONAL OR OCCUPATIONAL LICENSE, WHEN, PROCEDURE. — 1. A court or the director of the **family support** division [of child support enforcement] may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

- (1) When the obligor is not making child support payments in accordance with a support order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:

- (1) Pays the entire arrearage stated in the notice;
- (2) Enters into and complies with a payment plan approved by the court or the division; or
- (3) Requests a hearing before the court or the director.

4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536.

5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the **family support** division [of child support enforcement] may restrict such licenses in accordance with the provisions of this chapter.

454.1023. LIST OF LICENSED ATTORNEYS TO BE PROVIDED TO DIVISION, WHEN — ARREARAGES REPORTED TO SUPREME COURT CLERK. — The **family support** division [of child support enforcement] is hereby authorized, pursuant to a cooperative agreement with the supreme court, to develop procedures which shall permit the clerk of the supreme court to furnish the division, at least once each year, with a list of persons currently licensed to practice law in this state. If any such person has an arrearage in an amount equal to or greater than three months of support payments or two thousand five hundred dollars, the division shall notify the clerk of the supreme court that such person has an arrearage.

454.1027. HUNTING AND FISHING LICENSE SANCTIONS — DEPARTMENT OF CONSERVATION. — Notwithstanding any provision of sections 454.1000 to 454.1027 to the contrary, the following procedures shall apply between the **family support** division [of child support enforcement] and the department of conservation regarding the suspension of hunting and fishing licenses:

(1) The **family support** division [of child support enforcement] shall be responsible for making the determination whether an individual's license should be suspended based on the reasons specified in section 454.1003, after ensuring that each individual is provided due process, including appropriate notice and opportunity for administrative hearing;

(2) If the **family support** division [of child support enforcement] determines, after completion of all due process procedures available to an individual, that an individual's license should be suspended, the division shall notify the department of conservation. The department or commission shall develop a rule consistent with a cooperative agreement between the **family support** division [of child support enforcement], the department of conservation and the conservation commission, and in accordance with 42 U.S.C. Section 666(a)(16) which shall require the suspension of a license for any person based on the reasons specified in section

454.1003. Such suspension shall remain in effect until the department is notified by the division that such suspension should be stayed or terminated because the individual is now in compliance with applicable child support laws.

454.1029. NO SUSPENSION OF LICENSES WHILE OBLIGOR HONORS THE SUPPORT AGREEMENT. — For obligors that have been making regular child support payments in accordance with an agreement entered into with the **family support** division [of child support enforcement], the license shall not be suspended while the obligor honors such agreement.

483.163. CIRCUIT CLERK TO COOPERATE IN NONSUPPORT INVESTIGATIONS; ADDITIONAL COMPENSATION, EXCEPTION. — 1. Each circuit clerk, except the circuit clerk in any city not within a county, shall cooperate with the prosecuting attorney and **family support** division [of child support enforcement] in the investigation and documentation of possible criminal nonsupport pursuant to section 568.040.

2. Other provisions of law to the contrary notwithstanding, for the performance of the duties prescribed in subsection 1 of this section, each circuit clerk, except the circuit clerk in any city not within a county, in addition to any other compensation provided by law, shall receive five thousand dollars per year beginning January 1, 1997. Such compensation shall be payable in equal installments in the same manner and at the same time as other compensation is paid to the circuit clerk.

3. For every year beginning July 1, 1998, the amount of increased compensation established in subsection 2 of this section shall be adjusted by any salary adjustment authorized pursuant to section 476.405.

487.080. JURISDICTION. — Except as provided in section 487.130 and, notwithstanding any other provision of law to the contrary, the family court shall have exclusive original jurisdiction to hear and determine the following matters:

(1) All actions or proceedings governed by chapter 452 including but not limited to dissolution of marriage, legal separation, separate maintenance, child custody and modification actions;

(2) Actions for annulment of marriage;

(3) Adoption actions and all actions and proceedings conducted pursuant to the provisions of chapter 453;

(4) Juvenile proceedings and all actions as provided for in chapter 211;

(5) Actions to establish the parent and child relationship, except actions to establish a person as an heir, devisee or trust beneficiary, and all actions provided for in chapter 210;

(6) Actions for determination of support duties and for enforcement of support, including actions under the uniform reciprocal enforcement of support act and actions provided for in chapter 454. Family court personnel shall not duplicate any functions performed by the **family support** division [of child support enforcement] or local prosecuting attorney but shall cooperate with the **family support** division [of child support enforcement] or the local prosecuting attorney;

(7) Adult abuse and child protection actions and all actions provided for in chapter 455;

(8) Change of name actions;

(9) Marriage license waiting period waivers under chapter 451.

487.150. FAMILY COURT COORDINATING COMMITTEE, DUTIES — MEMBERS. — The administrative judge of the family court, or if none, the presiding judge of each circuit having a family court division or each circuit having a family court division in a county in the circuit may appoint a family court coordinating committee, which shall meet at least quarterly and shall serve as a liaison for the professions, agencies and organizations which utilize or provide services connected with the family court. The committee may be comprised of the following:

- (1) A family court judge, commissioner and administrator;
- (2) Two members of the Missouri Bar who are actively engaged in the practice of family law;
- (3) A representative from the **children's** division [of family services];
- (4) A representative from the division of youth services;
- (5) Two professional counselors, psychologists or psychiatrists;
- (6) A representative from a local educational institution;
- (7) A representative from the general public;
- (8) A representative from an organized grandparents' association; and
- (9) A representative from a domestic violence coalition.

513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

- (1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;
- (2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;
- (3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;
- (4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;
- (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;
- (6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;
- (7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;
- (8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;
- (9) Professionally prescribed health aids for such person or a dependent of such person;
- (10) Such person's right to receive:
 - (a) A Social Security benefit, unemployment compensation or a public assistance benefit;
 - (b) A veteran's benefit;
 - (c) A disability, illness or unemployment benefit;
 - (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section [456.072] **456.014**, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its [division of family] **department of social** services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

516.350. JUDGMENTS PRESUMED TO BE PAID, WHEN — PRESUMPTION, HOW REBUTTED — INCLUSION IN THE AUTOMATED CHILD SUPPORT SYSTEM — JUDGMENT FOR UNPAID RENT, REVIVED BY PUBLICATION. — 1. Every judgment, order or decree of any court of record of the United States, or of this or any other state, territory or country, except for any judgment, order, or decree awarding child support or maintenance or dividing pension, retirement, life

insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment which mandates the making of payments over a period of time or payments in the future, shall be presumed to be paid and satisfied after the expiration of ten years from the date of the original rendition thereof, or if the same has been revived upon personal service duly had upon the defendant or defendants therein, then after ten years from and after such revival, or in case a payment has been made on such judgment, order or decree, and duly entered upon the record thereof, after the expiration of ten years from the last payment so made, and after the expiration of ten years from the date of the original rendition or revival upon personal service, or from the date of the last payment, such judgment shall be conclusively presumed to be paid, and no execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained thereon for any purpose whatever. An action to emancipate a child, and any personal service or order rendered thereon, shall not act to revive the support order.

2. In any judgment, order, or decree awarding child support or maintenance, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 31, 1982.

3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 28, 2001.

4. In any judgment, order or decree awarding child support or maintenance, payment duly entered on the record as provided in subsection 1 of this section shall include recording of payments or credits in the automated child support system created pursuant to chapter 454 by the **family support** division [of child support enforcement] or payment center pursuant to chapter 454.

577.608. DEPARTMENT OF PUBLIC SAFETY TO CERTIFY DEVICES, ADOPT GUIDELINES —CERTIFICATION INFORMATION, STANDARDS —CONSULTATION BEFORE CERTIFICATION.
— 1. The [department of public safety] **state highways and transportation commission** shall certify or cause to be certified ignition interlock devices required by sections 577.600 to 577.614 and publish a list of approved devices.

2. The [department of public safety] **commission** shall adopt guidelines for the proper use of the ignition interlock devices in full compliance with sections 577.600 to 577.614.

3. The [department of public safety] **commission** shall use information from an independent agency to certify ignition interlock devices on or off the premises of the manufacturer in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. In certifying the devices, those which do not impede the safe operation of the vehicle and which have the fewest opportunities to be bypassed so as to render the provisions of sections 577.600 to 577.614 ineffective shall be certified.

4. No model of ignition interlock device shall be certified unless it meets the accuracy requirements specified by the guidelines of the [department of public safety] **commission**.

5. Before certifying any device, the [department of public safety] **commission** shall consult with the National Highway Traffic Safety Administration regarding the use of ignition interlock devices.

590.040. MINIMUM HOURS OF BASIC TRAINING REQUIRED. — 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect;

(5) Persons serving as a reserve officer on August 27, 2001, within a county of the first classification or a county with a charter form of government and with more than one million inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer only within such county. For the purposes of this subdivision, the term "reserve officer" shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the **children's** division [of family services], public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

595.030. COMPENSATION, OUT-OF-POCKET LOSS REQUIREMENT, MAXIMUM AMOUNT FOR COUNSELING EXPENSES—AWARD, COMPUTATION—MEDICAL CARE, REQUIREMENTS—COUNSELING, REQUIREMENTS—MAXIMUM AWARD—JOINT CLAIMANTS, DISTRIBUTION—METHOD, TIMING OF PAYMENT DETERMINED BY DEPARTMENT. — 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the

amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the **children's** division [of family services] personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337; or

(4) Professional counselor licensed pursuant to chapter 337.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department.

595.036. GRIEVANCES, DECISION OF DEPARTMENT, APPEAL TO ADMINISTRATIVE HEARING COMMISSION. — 1. **For any claim filed on or after August 28, 2014**, any party aggrieved by a decision of the department of public safety on a claim under the provisions of sections 595.010 to [595.070] **595.075** may, within thirty days following the date of notification [of mailing] of such decision, file a petition with the [division of workers' compensation of the department of labor and industrial relations] **department** to have such decision heard de novo by [an administrative law judge] **the director**. The [administrative law judge] **director** may

affirm[,] or reverse[, or set aside] the **department's** decision [of the department of public safety] on the basis of the evidence previously submitted in such case or may take additional evidence [or may remand the matter to the department of public safety with directions] **in reviewing the decision**. The [division of workers' compensation] **department** shall promptly notify the [parties] **party** of its decision and the reasons therefor.

2. Any [of the parties to a decision of an administrative law judge of the division of workers' compensation, as provided by subsection 1 of this section, on a claim heard under the provisions of sections 595.010 to 595.070] **party aggrieved by the department's decision** may, within thirty days following the date of notification [or mailing] of such decision, file a petition with the [labor and industrial relations] **administrative hearing** commission to [have] **appeal** such decision [reviewed by the commission. The commission may allow or deny a petition for review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision of the division of workers' compensation on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the division of workers' compensation with directions. The commission shall promptly notify the parties of its decision and the reasons therefor.

3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed to be filed as of the date endorsed by the United States Postal Service on the envelope or container in which such petition is received.

4. Any party who is aggrieved by a final decision of the labor and industrial relations commission pursuant to the provisions of subsections 2 and 3 of this section shall within thirty days from the date of the final decision appeal the decision to the court of appeals. Such appeal may be taken by filing notice of appeal with commission, whereupon the commission shall, under its certificate, return to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and award, which shall thereupon become the record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of fraud, the findings of fact made by the commission within its powers shall be conclusive and binding. The court, on appeal, shall review only questions of law and may modify, reverse, remand for rehearing, or set aside the award upon any of the following grounds and no other:

- (1) That the commission acted without or in excess of its powers;
- (2) That the award was procured by fraud;
- (3) That the facts found by the commission do not support the award;
- (4) That there was not sufficient competent evidence in the record to warrant the making of the award] **as provided in section 621.275.**

595.037. OPEN RECORDS, EXCEPTIONS — DEPARTMENT ORDER TO CLOSE RECORDS.

— 1. All information submitted to the department [or division of workers' compensation] and any hearing of the [division of workers' compensation] **department** on a claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the following claims which shall be deemed closed and confidential:

(1) A claim in which the alleged assailant has not been brought to trial and disclosure of the information or a public hearing would adversely affect either the apprehension, or the trial, of the alleged assailant;

(2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and it is determined by the department [or division of workers' compensation] to be in the best interest of the victim or of the victim's dependents that the information be kept confidential or that the public be excluded from the hearing;

(3) A claim in which the victim or alleged assailant is a minor; or

(4) A claim in which any record or report obtained by the department [or division of workers' compensation], the confidentiality of which is protected by any other law, shall remain confidential subject to such law.

2. The department [and division of workers' compensation, by separate order,] may close any record, report or hearing if it determines that the interest of justice would be frustrated rather than furthered if such record or report was disclosed or if the hearing was open to the public.

595.060. RULES, AUTHORITY — PROCEDURE. — The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to 595.220 as provided in this section and chapter 536. [In the performance of its functions under section 595.036, the division of workers' compensation is authorized to promulgate rules pursuant to chapter 536 prescribing the procedures to be followed in the proceedings under section 595.036.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

610.029. GOVERNMENTAL AGENCIES TO PROVIDE INFORMATION BY ELECTRONIC SERVICES, CONTRACTS FOR PUBLIC RECORDS DATABASES, REQUIREMENTS, ELECTRONIC SERVICES DEFINED — DIVISION OF DATA PROCESSING MAY BE CONSULTED. — 1. A public governmental body keeping its records in an electronic format is strongly encouraged to provide access to its public records to members of the public in an electronic format. A public governmental body is strongly encouraged to make information available in usable electronic formats to the greatest extent feasible. A public governmental body [may] **shall** not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are online or stored in an electronic record-keeping system used by the agency. Such contract [may] **shall** not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the public governmental body's records. For purposes of this section, a usable electronic format shall allow, at a minimum, viewing and printing of records. However, if the public governmental body keeps a record on a system capable of allowing the copying of electronic documents into other electronic documents, the public governmental body shall provide data to the public in such electronic format, if requested. The activities authorized pursuant to this section [may] **shall** not take priority over the primary responsibilities of a public governmental body. For purposes of this section the term "electronic services" means online access or access via other electronic means to an electronic file or database. This subsection shall not apply to contracts initially entered into before August 28, 2004.

2. Public governmental bodies shall include in a contract for electronic services provisions that:

(1) Protect the security and integrity of the information system of the public governmental body and of information systems that are shared by public governmental bodies; and

(2) Limit the liability of the public governmental body providing the services.

3. Each public governmental body may consult with the [division of data processing and telecommunications] **information technology services division** of the office of administration to develop the electronic services offered by the public governmental body to the public pursuant to this section.

610.120. RECORDS TO BE CONFIDENTIAL — ACCESSIBLE TO WHOM, PURPOSES. — 1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, criminal justice employment, screening persons

with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by section 43.543 to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with section 43.507; to qualified entities for the purpose of screening providers defined in section 43.540; the department of revenue for driver license administration; the [division of workers' compensation] **department of public safety** for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

620.010. DEPARTMENT OF ECONOMIC DEVELOPMENT CREATED — DIVISIONS — AGENCIES — BOARDS AND COMMISSIONS — PERSONNEL — POWERS AND DUTIES — RULES, PROCEDURE. — 1. There is hereby created a "Department of Economic Development" to be headed by a director appointed by the governor, by and with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 shall continue to apply to this department and its divisions, agencies and personnel.

2. The powers, duties and functions vested in the public service commission, chapters 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission, sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of economic development. The director of the department is directed to provide and coordinate staff and equipment services to these agencies in the interest of facilitating the work of the bodies and achieving optimum efficiency in staff services common to all the bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service commission from presenting additional budget requests or from explaining or clarifying its budget requests to the governor or general assembly.

3. The powers, duties and functions vested in the office of the public counsel are transferred by type III transfer to the department of economic development. Funding for the general counsel's office shall be by general revenue.

4. The public service commission is authorized to employ such staff as it deems necessary for the functions performed by the general counsel other than those powers, duties and functions relating to representation of the public before the public service commission.

5. All the powers, duties and functions vested in the tourism commission, chapter 258 and others, are transferred to the "Division of Tourism", which is hereby created, by type III transfer.

6. All the powers, duties and functions of the department of community affairs, chapter 251 and others, not otherwise assigned, are transferred by type I transfer to the department of economic development, and the department of community affairs is abolished. The director of

the department of economic development may assume all the duties of the director of community affairs or may establish within the department such subunits and advisory committees as may be required to administer the programs so transferred. The director of the department shall appoint all members of such committees and heads of subunits.

7. The state council on the arts, chapter 185 and others, is transferred by type II transfer to the department of economic development, and the members of the council shall be appointed by the director of the department.

8. The Missouri housing development commission, chapter 215, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

9. All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of [Job Development and Training] **Workforce Development**", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

10. **All the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the division of employment security within the department of labor and industrial relations related to job training and labor exchange that are funded with or based upon Wagner-Peyser funds, and other federal and state workforce development programs administered by the division of employment security are transferred by a type I transfer to the division of workforce development within the department of economic development.**

11. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

[288.270.] 620.484. FREE PUBLIC EMPLOYMENT OFFICES. — The provisions of the Wagner-Peyser Act (29 U.S.C.A. Sec. 49 et seq.), as amended, are hereby accepted by this state and the division of [employment security] **workforce development of the department of economic development** is hereby designated and constituted the agency of this state for the purposes of said act. The division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purposes of performing such functions as are within the purview of the Wagner-Peyser Act.

620.490. RULEMAKING AUTHORITY, COORDINATION OF STATE AND FEDERAL JOB TRAINING RESOURCES. — The department of economic development shall promulgate rules providing for the coordination of state and federal job training resources administered by the department of economic development, including the [service delivery] **local workforce investment** areas established in the state to administer federal funds pursuant to the federal [Job Training Partnership] **Workforce Investment** Act or its successor, for the provision of assistance to businesses in this state relating to the creation of new jobs in the state. The department shall include in these rules the methods to be followed by any business engaged in the creation of new jobs in state to ensure that economically disadvantaged citizens receive opportunities for employment in the new jobs created. No rule or portion of a rule promulgated

pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

620.556. DEFINITIONS. — As used in sections 620.552 to 620.574 the following terms mean:

(1) "Corps" and "youth corps", the Missouri youth service and conservation corps;

(2) "Division", the division of [job development and training] **workforce development** within the department of economic development;

(3) "**Local workforce investment boards**", the **local workforce investment boards established under Section 117 of the Workforce Investment Act, Public Law 105-220, as amended, or any other succeeding administrative body established by subsequent federal legislation to provide for the local administration and expenditure of funding for employment and job training and approved by the division of workforce development;**

(4) "Participant", a person who has been hired, or who has been accepted as a volunteer, and who meets the program eligibility criteria established by sections 620.552 to 620.574;

[(4) "Private industry council", the private industry councils established pursuant to the Job Training Partnership Act, Public Law 97-300, as amended, or any other succeeding administrative body established by subsequent federal legislation to provide for the local administration and expenditure of funding for employment and job training and approved by the division of job training and development;]

(5) "Project", an undertaking designed to provide or assist in providing services to promote conservation, public health, education and welfare among the general population. The term includes, but is not limited to:

- (a) The rehabilitation of substandard housing;
- (b) The repair, restoration and maintenance of public facilities and amenities;
- (c) Assistance with the organization and delivery of educational and health services;
- (d) Assistance for the elderly homebound;
- (e) Delivery of food to the hungry and elderly;
- (f) Restoration or development of park facilities;
- (g) Trail construction and maintenance;
- (h) Litter control;
- (i) Land and soil conservation and rehabilitation;
- (j) Road repair;
- (k) Land reclamation;
- (l) Reforestation; and
- (m) Other undertakings which benefit the control, management, restoration and conservation of the bird, fish, game, forestry, or wildlife resources, and soil or water resources of this state;

(6) "Project sponsor", state agencies, including the departments of elementary and secondary education, social services, labor and industrial relations, conservation, and natural resources and the University of Missouri extension system; any unit of local government, including school districts; private not-for-profit corporations or organizations; administrative entities designated pursuant to the requirements of the [Job Training Partnership] **Workforce Investment Act** and any subsequent amendments; and community-based organizations.

620.558. PROGRAMS — PARTICIPATION. — 1. The Missouri youth service and conservation corps shall consist of the following programs:

- (1) A year-round community services and conservation program for young adults;
 - (2) A summer employment program;
 - (3) A volunteer program for youths.
2. In selecting participants for the youth service and conservation corps, the director of the division shall give preference to persons who are high school dropouts and who are at risk of not

graduating from high school. The director may segregate programs and funds to serve such persons to enhance the efficiency of administering any federal [Job Training Partnership] **Workforce Investment** Act funds which are available to the youth service and conservation corps.

3. Residents of both urban and rural areas of the state shall be eligible to apply to participate in the youth service and conservation corps. No person who has been convicted of a felony within the previous two years shall be eligible to participate in the youth service and conservation corps. Participants shall be unemployed at the time of their enrollment.

620.560. COMMUNITY SERVICES AND CONSERVATION PROGRAM. — 1. The community services and conservation program for young adults shall consist of projects offering participants paid work experience integrated with educational activities which may include, but is not limited to, employability skills training and educational remediation activities.

2. Participants who are high school dropouts shall work toward the completion of their graduate equivalency diploma and shall be excused from work according to a planned work schedule proposed by the project sponsor and approved by the division of [job development and training] **workforce development** in its review of a project application, to allow them to attend classes or gain instruction. The division of [job development and training] **workforce development** shall work with the department of elementary and secondary education to establish criteria for determining participants who may be at risk of not earning a high school diploma. Participants who meet these criteria shall be required to attend remediation classes designed to assist in the retention and successful completion of high school according to a planned work schedule proposed by the project sponsor and approved by the division in its review of a project application. All participants shall be paid a wage according to a work plan approved by the division, and commensurate with the number of hours worked by the participant. During the last three weeks of employment, all participants may be granted eight hours of paid time each week to search for permanent employment.

620.562. SUMMER EMPLOYMENT PROGRAM — AT-RISK PARTICIPANTS, REMEDIATION. — 1. The summer employment program shall consist of projects offering needed paid work experience integrated with educational activities which may include, but is not limited to, employability skills training and educational remediation activities. Participants shall be unemployed at the time of their enrollment.

2. Participants in the program shall be paid a wage according to a work plan approved by the division of [job development and training] **workforce development**, and commensurate with the number of hours worked by the participant. If participants are high school dropouts, they shall be required to work toward the completion of their graduate equivalency diploma while employed in the summer employment and remediation program. The division of [job development and training] **workforce development** shall work with the department of elementary and secondary education to establish criteria for determining participants who may be at risk of not earning a high school diploma. Participants who meet these criteria shall be required to attend remediation classes designed to assist in the retention and successful completion of high school.

620.566. ADMINISTRATION OF PROGRAMS — RULES AND REGULATIONS — APPLICATION, CONTENTS, REVIEW. — 1. The division of [job development and training] **workforce development** within the department of economic development is hereby authorized to administer the Missouri youth service and conservation corps programs and adopt rules and regulations governing their operation and participation requirements.

2. The division shall cooperate with and may directly contract with all state agencies, local units of government and any of the governor's advisory councils or commissions, or their successor agencies, and with private not-for-profit organizations in delivery of youth corps

programs. For purposes of this section, the contracting process of the division with these entities need not be governed by the provisions of chapter 34.

3. Upon application to the division and subject to the availability of funds, the division is authorized to provide funding assistance through contracts with administrative entities, designated pursuant to the [Job Training Partnership] **Workforce Investment** Act and any subsequent amendments, and project sponsors. The application shall form the basis for the contract agreement and, at a minimum, shall include:

(1) A general project description, including the extent to which it satisfies community development or resource conservation objectives and whether or not such objectives are stated within any municipal, county, regional or state agency plan;

(2) The number of corps members to be assigned to each project, a description of the nature and duration of their employment or volunteer work, and a description of combinations or sequences of education or vocational training to be provided;

(3) The amount of total funds required to sustain the project, distinguishing between the amounts required for corps members' wages and stipends, if any, and the amounts required for other purposes;

(4) A statement of the amount and purpose of funding assistance requested from the division and the manner and timing of its disbursement;

(5) A description of the interagency coordination, technical assistance and financial support which together with the funding assistance, the resources of the applicant and support from any other source, is sufficient to ensure the success of the project. The commitment of financial support from the project sponsor shall be equal to or greater than twenty-five percent of the amount of the total project cost.

4. An application shall only be submitted to the division after review by the private industry council operating within the service delivery area in which the project is to be located, regardless of the actual project sponsor. It shall include the signatures of the [private industry council chairman] **workforce investment board chairperson** and the designated chief local elected official of the [service delivery] **local workforce investment** area.

5. The division shall ensure that all affected state agencies are made aware of the application and are provided the opportunity to offer comments related to the project feasibility, including the identification of other available funds for the project.

620.570. EVALUATION OF PROGRAMS — INTERAGENCY COOPERATION — "SHOW-ME" EMPLOYERS. — 1. The Missouri training and employment council, as established in section 620.523, shall review and recommend criteria for evaluating project funding assistance, program criteria, and other requirements and priorities to be used by the division in the evaluation and monitoring of Missouri youth service and conservation corps projects.

2. The division shall work with the department of higher education, the department of elementary and secondary education, all colleges, universities and lending institutions throughout the state to develop a system of academic credit, tuition grants and deferred loan repayment incentives for young adults who enroll and complete participation in corps programs. The division shall adopt rules under chapter 536 designed to implement any such incentive programs.

3. The **division of workforce development of the** department of economic development [and the department of labor and industrial relations] shall establish and promote the recruitment of "Show-Me Employers" which shall consist of Missouri-based corporations and businesses agreeing to interview, for entry-level jobs, participants successfully completing a youth corps program.

4. The division of [employment security within the department of labor and industrial relations] **workforce development of the department of economic development** shall recognize and promote within the labor exchange system the youth service corps and the potential benefits of hiring participants who have successfully completed any of the corps' programs.

620.572. ALLOCATIONS FOR OPERATION OF CORPS. — The directors of the departments of conservation, economic development, social services, elementary and secondary education, labor and industrial relations, and natural resources and the director of the University of Missouri extension system shall meet regularly to establish appropriate allocations from their respective budgets to be made for the operation of the Missouri youth service and conservation corps. Funding for the operation of the corps may come from, but not be limited to, moneys available through the federal Carl Perkins Act, the federal [Job Training Partnership] **Workforce Investment Act**, the federal Wagner-Peyser Act, the one-eighth of one cent sales tax as authorized by Sections 43(a) and 43(b) of Article IV of the Missouri Constitution, and other discretionary funds which may be available to the various departments and to the governor's office.

620.1100. YOUTH OPPORTUNITIES AND VIOLENCE PREVENTION PROGRAM ESTABLISHED, PURPOSE — ADVISORY COMMITTEE DEFINED, MEMBERS, APPOINTMENT — FUND, ESTABLISHMENT, ADMINISTRATION — PROGRAM CRITERIA, EVALUATION — DATABASE, DEVELOPMENT, OPERATION. — 1. The "Youth Opportunities and Violence Prevention Program" is hereby established in the division of community and economic development of the department of economic development to broaden and strengthen opportunities for positive development and participation in community life for youth, and to discourage such persons from engaging in criminal and violent behavior. For the purposes of section 135.460, this section and section 620.1103, the term "advisory committee" shall mean an advisory committee to the division of community and economic development established pursuant to this section composed of ten members of the public. The ten members of the advisory committee shall include members of the private sector with expertise in youth programs, and at least one person under the age of twenty-one. Such members shall be appointed for two-year terms by the director of the department of economic development.

2. The "Youth Opportunities and Violence Prevention Fund" is hereby established in the state treasury and shall be administered by the department of economic development. The department may accept for deposit into the fund any grants, bequests, gifts, devises, contributions, appropriations, federal funds, and any other funds from whatever source derived. Moneys in the fund shall be used solely for purposes provided in section 135.460, this section and section 620.1103. Any unexpended balance in the fund at the end of a fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

3. The department of economic development in conjunction with the advisory committee shall establish program criteria and evaluation methods for tax credits claimed pursuant to section 135.460. Such criteria and evaluation methods shall measure program effectiveness and outcomes, and shall give priority to local, neighborhood, community-based programs. The department shall monitor and evaluate all programs funded pursuant to section 135.460, this section and section 620.1103. Such programs shall provide a priority for applications from areas of the state which have statistically higher incidence of crime, violence and poverty and such programs shall be funded before the programs which have applied from areas which do not exhibit crime, violence, and poverty to the same degree. The committee shall focus and support specific programs designed to generate self-esteem and a positive self-reliance in youth and which abate youth violence.

4. The department shall develop and operate a database which lists all participating and related programs. The database shall include indexes and cross references and shall be accessible by the public by computer-modem connection. The **information technology services** division [of data processing and telecommunications] of the office of administration and the department of economic development shall cooperate with the advisory committee in the development and operation of the program.

620.1580. ADVISORY COMMITTEE FOR ELECTRONIC COMMERCE ESTABLISHED, MEMBERS, TERMS, MEETINGS. — 1. There is hereby established within the department of economic development the "Advisory Committee for Electronic Commerce". The purpose of the committee shall be to advise the various agencies of the state of Missouri on issues related to electronic commerce.

2. The committee shall be composed of thirteen members, who shall be appointed by the director of the department of economic development, as follows:

- (1) One member shall be the director of the department of economic development;
- (2) One member shall be an employee of the department of revenue;
- (3) One member shall be an employee of the department of labor and industrial relations;
- (4) One member shall be the secretary of state;
- (5) One member shall be the chief information officer for the [office of technology]

information technology services division;

(6) Seven members shall be from the business community, with at least one such member being from an organization representative of industry, and with at least one such member being from an organization representative of independent businesses, and with at least one such member being from an organization representative of retail business, and with at least one such member being from an organization representative of local or regional commerce; and

(7) One member shall be from the public at large.

3. The members of the committee shall serve for terms of two years duration, and may be reappointed at the discretion of the director of the department of economic development. Members of the committee shall not be compensated for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their service on the committee.

4. The director of the department of economic development shall serve as chair of the committee and shall designate an employee or employees of the department of economic development to staff the committee, or to chair the committee in the director's absence.

5. The committee shall meet at such places and times as are designated by the director of the department of economic development, but shall not meet less than twice per calendar year.

621.275. DECISIONS OF DEPARTMENT OF PUBLIC SAFETY, VICTIMS OF CRIME, APPEAL TO ADMINISTRATIVE HEARING COMMISSION, PROCEDURE. — 1. Any person shall have the right to appeal to the administrative hearing commission from any decision made by the department of public safety under section 595.036 regarding such person's claim for compensation as provided in sections 595.010 to 595.075.

2. Any person filing an appeal with the administrative hearing commission shall be entitled to a hearing before the commission. The person shall file a petition with the commission within thirty days after the decision of the director of the department of public safety is sent in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The director's decision shall contain a notice of the person's right to appeal:

"If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was delivered. If your petition is sent by registered or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail, it will be deemed filed on the date it is received by the commission."

3. Decisions of the administrative hearing commission under this section shall be binding subject to appeal by either party. The procedures established under chapter 536 shall apply to any hearings and determinations under this section.

630.097. COMPREHENSIVE CHILDREN'S MENTAL HEALTH SERVICE SYSTEM TO BE DEVELOPED — TEAM ESTABLISHED, MEMBERS, DUTIES — PLAN TO BE DEVELOPED, CONTENT — EVALUATIONS TO BE CONDUCTED, WHEN. — 1. The department of mental health shall develop, in partnership with all departments represented on the children's services commission, a unified accountable comprehensive children's mental health service system. The department of mental health shall establish a state interagency comprehensive children's mental health service system team comprised of representation from:

- (1) Family-run organizations and family members;
- (2) Child advocate organizations;
- (3) The department of health and senior services;
- (4) The department of social services' children's division, division of youth services, and the **MO HealthNet** division [of medical services];
- (5) The department of elementary and secondary education;
- (6) The department of mental health's division of alcohol and drug abuse, division of developmental disabilities, and the division of comprehensive psychiatric services;
- (7) The department of public safety;
- (8) The office of state courts administrator;
- (9) The juvenile justice system; and
- (10) Local representatives of the member organizations of the state team to serve children with emotional and behavioral disturbance problems, developmental disabilities, and substance abuse problems.

The team shall be called "The Comprehensive System Management Team". There shall be a stakeholder advisory committee to provide input to the comprehensive system management team to assist the departments in developing strategies and to ensure positive outcomes for children are being achieved. The department of mental health shall obtain input from appropriate consumer and family advocates when selecting family members for the comprehensive system management team, in consultation with the departments that serve on the children's services commission. The implementation of a comprehensive system shall include all state agencies and system partner organizations involved in the lives of the children served. These system partners may include private and not-for-profit organizations and representatives from local system of care teams and these partners may serve on the stakeholder advisory committee. The department of mental health shall promulgate rules for the implementation of this section in consultation with all of the departments represented on the children's services commission.

2. The department of mental health shall, in partnership with the departments serving on the children's services commission and the stakeholder advisory committee, develop a state comprehensive children's mental health service system plan. This plan shall be developed and submitted to the governor, the general assembly, and children's services commission by December, 2004. There shall be subsequent annual reports that include progress toward outcomes, monitoring, changes in populations and services, and emerging issues. The plan shall:

- (1) Describe the mental health service and support needs of Missouri's children and their families, including the specialized needs of specific segments of the population;
 - (2) Define the comprehensive array of services including services such as intensive home-based services, early intervention services, family support services, respite services, and behavioral assistance services;
 - (3) Establish short- and long-term goals, objectives, and outcomes;
 - (4) Describe and define the parameters for local implementation of comprehensive children's mental health system teams;
 - (5) Describe and emphasize the importance of family involvement in all levels of the system;
 - (6) Describe the mechanisms for financing, and the cost of implementing the comprehensive array of services;
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- (7) Describe the coordination of services across child-serving agencies and at critical transition points, with emphasis on the involvement of local schools;
 - (8) Describe methods for service, program, and system evaluation;
 - (9) Describe the need for, and approaches to, training and technical assistance; and
 - (10) Describe the roles and responsibilities of the state and local child-serving agencies in implementing the comprehensive children's mental health care system.
3. The comprehensive system management team shall collaborate to develop uniform language to be used in intake and throughout the provision of services.
 4. The comprehensive children's mental health services system shall:
 - (1) Be child centered, family focused, strength based, and family driven, with the needs of the child and family dictating the types and mix of services provided, and shall include the families as full participants in all aspects of the planning and delivery of services;
 - (2) Provide community-based mental health services to children and their families in the context in which the children live and attend school;
 - (3) Respond in a culturally competent and responsive manner;
 - (4) Emphasize prevention, early identification, and intervention;
 - (5) Assure access to a continuum of services that:
 - (a) Educate the community about the mental health needs of children;
 - (b) Address the unique physical, behavioral, emotional, social, developmental, and educational needs of children;
 - (c) Are coordinated with the range of social and human services provided to children and their families by local school districts, the departments of social services, health and senior services, and public safety, juvenile offices, and the juvenile and family courts;
 - (d) Provide a comprehensive array of services through an integrated service plan;
 - (e) Provide services in the least restrictive most appropriate environment that meets the needs of the child; and
 - (f) Are appropriate to the developmental needs of children;
 - (6) Include early screening and prompt intervention to:
 - (a) Identify and treat the mental health needs of children in the least restrictive environment appropriate to their needs; and
 - (b) Prevent further deterioration;
 - (7) Address the unique problems of paying for mental health services for children, including:
 - (a) Access to private insurance coverage;
 - (b) Public funding, including:
 - a. Assuring that funding follows children across departments; and
 - b. Maximizing federal financial participation;
 - (c) Private funding and services;
 - (8) Assure a smooth transition from child to adult mental health services when needed;
 - (9) Coordinate a service delivery system inclusive of services, providers, and schools that serve children and youth with emotional and behavioral disturbance problems, and their families through state agencies that serve on the state comprehensive children's management team; and
 - (10) Be outcome based.
 5. By August 28, 2007, and periodically thereafter, the children's services commission shall conduct and distribute to the general assembly an evaluation of the implementation and effectiveness of the comprehensive children's mental health care system, including an assessment of family satisfaction and the progress of achieving outcomes.

632.070. DEPARTMENT OF SOCIAL SERVICES TO COOPERATE WITH MENTAL HEALTH DEPARTMENT — CONSENT FOR MINORS REQUIRED. — The [division of family services of the] department of social services through its county family service offices shall cooperate with the facilities, programs and services operated or funded by the department in locating, referring and

interviewing any persons who are in need of comprehensive psychiatric services. The parents or legal custodians of any minors shall consent to the treatment of the minors, and they shall be advised that they have the right to consult their regular physicians before giving their consent to any treatment.

650.005. DEPARTMENT OF PUBLIC SAFETY CREATED — DIRECTOR, APPOINTMENT — DEPARTMENT'S DUTIES — RULES, PROCEDURE. — 1. There is hereby created a "Department of Public Safety" in charge of a director appointed by the governor with the advice and consent of the senate. The department's role will be to provide overall coordination in the state's public safety and law enforcement program, to provide channels of coordination with local and federal agencies in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43 and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120 relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104 relating to retirement system coverage or section 226.160 relating to workers' compensation for members of the patrol.

3. All the powers, duties and functions of the supervisor of liquor control, chapter 311 and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as provided in section 311.670.

4. [The director of public safety, superintendent of the highway patrol and transportation division of the department of economic development are to examine the motor carrier inspection laws and practices in Missouri to determine how best to enforce the laws with a minimum of duplication, harassment of carriers and to improve the effectiveness of supervision of weight and safety requirements and to report to the governor and general assembly by January 1, 1975, on their findings and on any actions taken.

5. The Missouri division of highway safety is transferred by type I transfer to the department of public safety. The division shall be in charge of a director who shall be appointed by the director of the department.

6.] All the powers, duties and functions of the safety and fire prevention bureau of the department of public health and welfare are transferred by type I transfer to the director of public safety.

[7.] 5. All the powers, duties and functions of the state fire marshal, chapter 320 and others, are transferred to the department of public safety by a type I transfer.

[8.] 6. All the powers, duties and functions of the law enforcement assistance council administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and related acts of Congress are transferred by type I transfer to the director of public safety. The director of public safety shall appoint such advisory bodies as are required by federal laws or regulations. The council is abolished.

[9.] 7. The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all powers, duties and functions relating to chapter 307 are transferred by type I transfer to the director of public safety.

[10.] **8.** The office of adjutant general and the state militia are assigned to the department of public safety; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in Article IV, Section 6 of the Constitution of the state of Missouri or chapter 41.

[11.] **9.** All the powers, duties and functions of the Missouri boat commission, chapter 306 and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby created, in the department of public safety. The Missouri boat commission and the office of secretary to the commission are abolished. All deputy boat commissioners and all other employees of the commission who were employed on February 1, 1974, shall be transferred to the water patrol without further qualification. Effective January 1, 2011, all the powers, duties, and functions of the Missouri state water patrol are transferred to the division of water patrol within the Missouri state highway patrol as set out in section 43.390.

[12.] **10.** The Missouri veterans's commission, chapter 42, is assigned to the department of public safety.

[13.] **11.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

660.010. DEPARTMENT OF SOCIAL SERVICES CREATED — DIVISIONS AND AGENCIES ASSIGNED TO DEPARTMENT — DUTIES, POWERS — DIRECTOR'S APPOINTMENT. — 1. There is hereby created a "Department of Social Services" in charge of a director appointed by the governor, by and with the advice and consent of the senate. All the powers, duties and functions of the director of the department of public health and welfare, chapters 191 and 192, and others, not previously reassigned by executive reorganization plan number 2 of 1973 as submitted by the governor under chapter 26 except those assigned to the department of mental health, are transferred by type I transfer to the director of the department of social services and the office of the director, department of public health and welfare is abolished. The department of public health and welfare is abolished. All employees of the department of social services shall be covered by the provisions of chapter 36 except the director of the department and [his] **the director's** secretary, all division directors and their secretaries, and no more than three additional positions in each division which may be designated by the division director.

2. It is the intent of the general assembly in establishing the department of social services, as provided herein, to authorize the director of the department to coordinate the state's programs devoted to those unable to provide for themselves and for the rehabilitation of victims of social disadvantage. The director shall use the resources provided to the department to provide comprehensive programs and leadership striking at the roots of dependency, disability and abuse of society's rules with the purpose of improving service and economical operations. The department is directed to take all steps possible to consolidate and coordinate the field operations of the department to maximize service to the citizens of the state.

3. [All the powers, duties and functions of the division of welfare, chapters 205, 207, 208, 209, and 210 and others, are transferred by type I transfer to the "Division of Family Services" which is hereby created in the department of social services. The director of the division shall be appointed by the director of the department.] All references to the division of welfare shall hereafter be construed to mean the [division of family services of the] department of social services **or the appropriate division within the department.**

4. The state's responsibility under public law 452 of the eighty-eighth Congress and others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the department of social services.

5. The state's responsibility under public law 73, Older Americans Act of 1965, of the eighty-ninth Congress is transferred by type I transfer to the department of social services.

6. All the powers, duties and functions vested by law in the curators of the University of Missouri relating to crippled children's services, chapter 201, are transferred by type I transfer to the department of social services.

7. All the powers, duties and functions vested in the state board of training schools, chapter 219 and others, are transferred by type I transfer to the "Division of Youth Services" hereby authorized in the department of social services headed by a director appointed by the director of the department. The state board of training schools shall be reconstituted as an advisory board on youth services, appointed by the director of the department. The advisory board shall visit each facility of the division as often as possible, shall file a written report with the director of the department and the governor on conditions they observed relating to the care and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility and any other matters pertinent in their judgment. Copies of these reports shall be filed with the legislative library. Members of the advisory board shall receive reimbursement for their expenses and twenty-five dollars a day for each day they engage in official business relating to their duties. The members of the board shall be provided with identification means by the director of the division permitting immediate access to all facilities enabling them to make unannounced entrance to facilities they wish to inspect.

660.075. INTERMEDIATE CARE FACILITY FOR INTELLECTUALLY DISABLED — CERTIFICATE OF AUTHORIZATION NEEDED FOR PROVIDER AGREEMENT — EXCEPTION — CERTIFICATES NOT TO BE ISSUED, WHEN — NOTICE TO DEPARTMENT, WHEN. — 1. The **MO HealthNet** division [of medical services] shall not issue a provider agreement to an intermediate care facility for the mentally retarded provider after May 29, 1991, unless and until the department of mental health transmits a certification of authorization to provide services, provided, however, a profit or not-for-profit provider may operate a single home of six beds or less without issuance of a certificate to the **MO HealthNet** division [of medical services]. Such certification shall be provider specific and shall contain the number of beds authorized.

2. Notwithstanding any other provision of law to the contrary, any provider intending to operate an intermediate care facility for the mentally retarded in excess of those beds in existence on May 29, 1991, shall give notice to the department of mental health of any intent to do so between July first and October first of the fiscal year preceding the fiscal year in which they intend to operate such facility.

3. In addition to other good cause as established by administrative rules promulgated by the director of the department of mental health, such intermediate care facility for the mentally retarded operations as may be accommodated within the home and community-based waiver for the developmentally disabled shall be refused certificates of authorization by the department of mental health. The **MO HealthNet** division [of medical services] shall refuse intermediate care facility for the mentally retarded provider agreements to providers to whom the department of mental health has refused certificates of authorization.

660.130. RULES, REGULATIONS, FORMS — RULE REQUIREMENTS. — The department of social services shall design the forms and issue rules and regulations necessary to carry out the provisions of sections 660.100 to 660.136. No rule or portion of a rule promulgated under the authority of sections 660.100 to 660.136 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. Such rules shall provide that in order for a homeowner to be eligible such homeowner shall have met federal energy conservation guidelines for insulation, or have made application for insulation under the department of natural resources program or like program offered in the state of Missouri. Large notices of the availability of this program shall be posted in application areas and local offices of the **family support** division [of family services].

660.523. UNIFORM RULES FOR INVESTIGATION OF CHILD SEXUAL ABUSE CASES — TRAINING PROVIDED FOR DIVISION, STAFF. — 1. By January 1, 1991, using approved state child abuse and neglect federal grant funds, the department of social services shall develop uniform protocols for investigations of child sexual abuse cases pursuant to chapter 210 and shall provide training to **children's** division [of family services] employees who investigate reports of such cases.

2. The department of social services shall develop separate protocols for multiple-suspect and multiple-victim cases.

660.525. TREATMENT FOR CHILD SEXUAL ABUSE VICTIMS PROVIDED BY DIVISION, WHEN. — The **children's** division [of family services] may provide treatment services for child sexual abuse victims in instances where the perpetrator is not listed in section 210.110 as a person responsible for the care, custody and control of the child, if treatment funds are available and such treatment services are requested by the family of the child.

660.526. CHILD SEXUAL ABUSE CASES, ANNUAL TRAINING REQUIRED BY CHILDREN'S DIVISION. — The **children's** division [of family services] shall ensure that all employees and persons with contracts with the division and who specialize in either the treatment, prosecution, or investigation of child sexual abuse cases receive a minimum of fifteen hours of annual training. Such training shall be in the investigation, prosecution, treatment, nature, extent and causes of sexual abuse.

660.620. OFFICE OF ADVOCACY AND ASSISTANCE FOR SENIOR CITIZENS ESTABLISHED IN OFFICE OF LIEUTENANT GOVERNOR, DUTIES AND PROCEDURE. — 1. There is hereby established an "Office of Advocacy and Assistance for Senior Citizens" within the office of lieutenant governor.

2. The senior citizen advocate shall coordinate activities with the long-term care ombudsman program, as defined in section 660.600, on complaints made by or on behalf of senior citizens residing in long-term care facilities.

3. The senior citizen advocate shall conduct a suitable investigation into any actions complained of unless the senior citizen advocate finds that the complaint pertains to a matter outside the scope of the authority of the senior citizen advocate, the complainant has no substantive or procedural interest which is directly affected by the matter complained about, or the complaint is trivial, frivolous, vexatious or not made in good faith.

4. After completing his **or her** investigation of a complaint, the senior citizen advocate shall inform the complainant, the agency, official or employee of action recommended by the senior citizen advocate. The senior citizen advocate shall make such reports and recommendations to the affected agencies, the governor and the general assembly as [he] **the advocate** deems necessary to further the purposes of sections 660.620 and 660.625.

5. The senior citizen advocate shall, in conjunction with the [division of] **department of health and** senior services, act as a clearinghouse for information pertaining to and of interest to senior citizens and shall disseminate such information as is necessary to inform senior citizens of their rights and of governmental and nongovernmental services available to them.

660.690. PROTECTION AGAINST SPOUSAL IMPOVERISHMENT AND PREMATURE PLACEMENT IN INSTITUTIONAL CARE, DETERMINATION OF ELIGIBILITY FOR MEDICAID AND MEDICAL ASSISTANCE BENEFITS. — In order to protect the community spouse of an individual living in a residential care facility or assisted living facility, as defined in section 198.006, from impoverishment and to prevent premature placement in a more expensive, more restrictive environment, the **family support** division [of family services] shall comply with the provisions of subsection 6 of section 208.010 when determining the eligibility for benefits pursuant to section 208.030.

701.336. DEPARTMENT TO COOPERATE WITH FEDERAL GOVERNMENT — INFORMATION TO BE PROVIDED TO CERTAIN PERSONS — LEAD TESTING OF CHILDREN, STRATEGY TO INCREASE NUMBER. — 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.

3. The **children's** division [of family services], in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

[33.753. PLAN TO INCREASE MINORITY BUSINESS TO BE PROVIDED TO THE GOVERNOR AND THE GENERAL ASSEMBLY, DUE WHEN. — The Missouri minority business advocacy commission, as established pursuant to section 33.752 shall, in addition to providing the governor with a plan to increase procurement from minority businesses by all state departments as provided in subsection 2 of section 33.752, also provide to the general assembly the findings of such plan and provide details of any recommended legislation that may be needed to carry out the provisions of the plan. The commission shall submit the plan and recommended legislation to the general assembly within six months of delivery of the original plan to the governor.]

[199.025. CHILD DAY CARE CENTER, AUTHORITY TO ORGANIZE — HOW PAID FOR — TO BE LICENSED BY DIVISION OF FAMILY SERVICES — EXPIRATION THIRTY DAYS AFTER TRANSFER OF MISSOURI REHABILITATION CENTER TO UNIVERSITY OF MISSOURI. — 1. Employees of the Missouri rehabilitation center may organize and file with the secretary of state an application as a not-for-profit corporation for the purpose of establishing a child day care center. The corporation so formed may enter into an agreement with the commissioner of administration for the lease of appropriate space at the rehabilitation center for use as the child day care center. The space at the center may be made available to the corporation at a rate to be established by the commissioner of administration.

2. The corporation may provide child day care at the Missouri rehabilitation center. The child day care center established by the corporation shall be licensed under the provisions of sections 210.201 to 210.245. The operation of the day care center shall be paid for by fees or charges, established by the corporation, and collected from those who use its services. The corporation may receive any private donations or grants from agencies of the federal government intended for the support of the child day care center.

3. This section shall terminate thirty days following the date notice is provided to the revisor of statutes that an agreement has been executed which transfers the Missouri rehabilitation center from the department of health and senior services to the board of curators of the University of Missouri.]

[620.483. DIVISION OF JOB DEVELOPMENT AND TRAINING, CRITERIA — PRIVATE INDUSTRY COUNCIL MANUAL — CENTRALIZED MEMBER ORIENTATION SESSION — WORKER ADJUSTMENT SERVICES — MINIMUM EXPENDITURE REQUIREMENTS, JOB TRAINING PARTNERSHIP ACT. — 1. The division of job development and training of the department of economic development and the private industry council, also referred to as PIC, located within each service delivery area, also referred to as SDA, as authorized by section 102 of the Job Training Reform Amendments of 1992, P.L. 102-367, shall adhere to the criteria in this section in order to more effectively enhance the state's job training efforts.

2. The division, with the advice and counsel of the Missouri training and employment council, shall develop a private industry council manual to provide a standardized, written introduction for new PIC members which explains the fundamental parts of the Job Training Partnership Act, the role of the private industry councils in fulfilling their statutory obligations, and to serve as a skill-building instrument in which PIC members can assume an effective leadership role.

3. Once a year, the division, in conjunction with the Missouri training and employment council, shall conduct a centralized PIC member orientation session. The session, open to all current PIC members, will provide training in the basic programs funded through the Job Training Partnership Act, the structure of the service delivery system, and training in federal and state work force development initiatives.

4. In accordance with section 101 of the Job Training Partnership Act, as amended, the Missouri training and employment council may make recommendations to the governor for the redesignation of service delivery areas.

5. Pursuant to section 302(c) of the federal Job Training Partnership Act, special state rapid response programs or worker adjustment services will be initiated by the division. Such activities may be conducted by state and local program operators and reviewed regularly by the division for performance and funding consideration.

6. A quorum of the full membership of each private industry council shall officially meet at least once every three months. A quorum shall not be deemed to be present unless at least fifty percent of the private sector appointees are in attendance.

7. Pursuant to section 302(c)(2) of the federal Job Training Partnership Act, ten percent discretionary funds may be retained by the division until at least six months into each program year. Such funds shall then be allocated to service delivery areas that have experienced recent layoffs.

8. Each private industry council shall immediately inform the division of job development and training whenever any vacancy occurs on the PIC or when the term of a member has expired. Positions on private industry councils whose members' terms have expired and who are not replaced within ninety days shall be considered as vacant.

9. The division of job development and training is authorized to establish a minimum expenditure requirement for funds allocated to the service delivery areas under the Job Training Partnership Act. Adjustments to service delivery area allocations may be made on subsequent program year funding when underexpenditure occurs. This expenditure requirement shall be in addition to the federal requirement that in each program year eighty-five percent of federal Job Training Partnership Act funds are obligated by each service delivery area.]

[660.060. TRANSFER OF DIVISION OF AGING TO THE DEPARTMENT OF HEALTH AND SENIOR SERVICES. — All authority, powers, duties, functions, records, personnel,

property, contracts, budgets, matters pending and other pertinent vestiges of the division of aging shall be transferred to the department of health and senior services.]

Approved July 2, 2014

HB 1300 [HCS HB 1300]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows fire protection district board of directors to meet without public notice in order to disburse funds necessary for the deployment of certain task forces

AN ACT to repeal section 321.200, RSMo, and to enact in lieu thereof one new section relating to fire protection district board meetings.

SECTION

A. Enacting clause.

321.200. Board meetings, quorum, vacancy — employment, suspension, discharge of employees — deployment of Missouri Task Force One or Urban Search and Rescue Task Force, emergency board meeting.

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

SECTION A. ENACTING CLAUSE. — Section 321.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.200, to read as follows:

321.200. BOARD MEETINGS, QUORUM, VACANCY — EMPLOYMENT, SUSPENSION, DISCHARGE OF EMPLOYEES — DEPLOYMENT OF MISSOURI TASK FORCE ONE OR URBAN SEARCH AND RESCUE TASK FORCE, EMERGENCY BOARD MEETING. — 1. **Except as otherwise provided in subsection 3,** the board shall meet regularly, not less than once each month, at a time and at some building in the district to be designated by the board. Notice of the time and place of future regular meetings shall be posted continuously at the firehouse or firehouses of the district. Additional meetings may be held, when the needs of the district so require, at a place regular meetings are held, and notice of the time and place shall be given to each member of the board. Meetings of the board shall be held and conducted in the manner required by the provisions of chapter 610. All minutes of meetings of the board and all other records of the fire protection district shall be available for public inspection at the main firehouse within the district by appointment with the secretary of the board within one week after a written request is made between the hours of 8:00 a.m. and 5:00 p.m. every day except Sunday. A majority of the members of the board shall constitute a quorum at any meeting and no business shall be transacted unless a quorum is present. The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any other governmental or other body or entity or association, and without delegation thereof to less than a quorum of the board. Agents, employees, engineers, auditors, attorneys, firemen and any other member of the staff of the district may be employed or discharged only by a board which includes at least two directors; but any board of directors may suspend from duty any such person or staff member who willfully and deliberately neglects or refuses to perform his or her regular functions.

2. Any vacancy on the board shall be filled by the remaining elected members of the board, except when less than two elected members remain on the board any vacancy shall be filled by the circuit court of the county in which all or a majority of the district lies. The appointee or appointees shall act until the next biennial election at which a director or directors are elected to serve the remainder of the unexpired term.

3. Notwithstanding any provision of sections 610.015 and 610.020 to the contrary, when Missouri Task Force One or any Urban Search and Rescue Task Force is activated for deployment by the federal emergency management agency, state emergency management agency, or statewide mutual aid, a quorum of the board of directors of the affiliated fire protection district may meet in person, via telephone, facsimile, internet, or any other voice or electronic means, without public notice, in order to authorize by roll call vote the disbursement of funds necessary for the deployment.

4. In the event action is necessary under subsection 3 of this section, the board of directors of the affiliated fire protection district shall keep minutes of the emergency meeting and disclose during the next regularly scheduled meeting of the board that the emergency meeting was held, the action that precipitated calling the emergency meeting without notice, and that the minutes of the emergency meeting are available as a public record of the board.

Approved July 3, 2014

HB 1301 [HB 1301]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Modifies the Kansas City police retirement systems

AN ACT to repeal sections 86.900 and 86.1220, RSMo, and to enact in lieu thereof two new sections relating to Kansas City police retirement systems.

SECTION

- A. Enacting clause.
- 86.900. Definitions.
- 86.1220. Cost-of-living adjustments in addition to base pension.

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

SECTION A. ENACTING CLAUSE. — Sections 86.900 and 86.1220, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 86.900 and 86.1220, to read as follows:

86.900. DEFINITIONS. — The following words and phrases as used in sections 86.900 to 86.1280 shall have the following meanings unless a different meaning is plainly required by the context:

- (1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary, for the purchase of prior service credits or any other purpose permitted under sections 86.900 to 86.1280;
- (2) "Actuarial cost", the present value of a future payment or series of payments as calculated by applying the actuarial assumptions established according to subsection 8 of section 86.1270;
- (3) "Beneficiary", any person entitled, either currently or conditionally, to receive pension or other benefits provided in sections 86.900 to 86.1280;
- (4) "Board of police commissioners", the board composed of police commissioners authorized by law to employ and manage an organized police force in the cities;
- (5) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants, or any city that

has made an election under section 86.910 to continue a police retirement system maintained under sections 86.900 to 86.1280;

(6) "Compensation", the basic wage or salary paid a member for any period on the basis of the member's rank and position, excluding bonuses, overtime pay, expense allowances, and other extraordinary compensation; except that, notwithstanding such provision, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;

(7) "Consultant", unless otherwise specifically defined, a person retained by the retirement system as a special consultant on the problems of retirement, aging and related matters who, upon request of the retirement board, shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be needed by the board;

(8) "Creditable service", service qualifying as a determinant of a member's pension or other benefit under sections 86.900 to 86.1280 by meeting the requirements specified in said sections or section 105.691;

(9) "Final compensation":

(a) For a Tier I member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than two years, or the twenty-four months of service for which the member received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member, compensation shall only be included for the periods in which the member made contributions as provided under section 86.1010 except as provided in subsection 3 of section [86.110] **86.1110**;

(b) For a Tier II member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than three years, or the thirty-six months of service for which the member received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member, compensation shall only be included for the periods in which the member made contributions as provided under section 86.1010 except as provided in subsection 3 of section [86.110] **86.1110**;

(c) For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(10) "Fiscal year", for the retirement system, the fiscal year of the cities;

(11) "Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;

(12) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

(13) "Member", a member of the police retirement system as described in section 86.1090:

(a) "Tier I member", any person who became a member prior to August 28, 2013, and who remains a member on August 28, 2013, shall remain a Tier I member until such member's membership is terminated as described in section 86.1130;

(b) "Tier I surviving spouse", the surviving spouse of a Tier I member;

(c) "Tier II member", any person who became a member on or after August 28, 2013;

(d) "Tier II surviving spouse", the surviving spouse of a Tier II member;

(e) Any person whose membership is terminated as described in section 86.1130 and who reenters membership on or after August 28, 2013, shall become a member under paragraph (c) of this subdivision;

(14) "Pension", annual payments for life, payable monthly, at the times described in section 86.1030;

(15) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.900 to 86.1280 and by the members of the police retirement system;

(16) "Police officer", an officer or member of the police department of the cities employed for compensation by the boards of police commissioners of the cities for police duty who holds

a rank or position for which an annual salary range is provided in section 84.480 or 84.510; in case of dispute as to whether any person is a police officer qualified for membership in the retirement system, the decision of the board of police commissioners shall be final;

(17) "Retirement board" or "board", the board provided in section 86.920 to administer the retirement system;

(18) "Retirement system", the police retirement system of the cities as defined in section 86.910;

(19) "Surviving spouse", when determining whether a person is entitled to benefits under sections 86.900 to 86.1280 by reason of surviving a member, shall include only:

(a) A person who was married to a member at the time of the member's death in the line of duty or from an occupational disease arising out of and in the course of the member's employment and who had not, after the member's death and prior to August 28, 2000, remarried;

(b) With respect to a member who retired or died prior to August 28, 1997, a spouse who survives such member, whose marriage to such member occurred at least two years before the member's retirement or at least two years before the member's death while in service, and who had not remarried anyone other than the member prior to August 28, 2000;

(c) With respect to a member who retired or died while in service after August 28, 1997, and before August 28, 2000, a spouse who survives such member, was married to such member at the time of such member's retirement or of such member's death while in service, and had not, after the member's death and prior to August 28, 2000, remarried; and

(d) With respect to a member who retires or dies in service after August 28, 2000, a spouse who survives a member and was married to such member at the time of such member's retirement or death while in service.

86.1220. COST-OF-LIVING ADJUSTMENTS IN ADDITION TO BASE PENSION. — 1. Provided that the retirement system shall remain actuarially sound, each of the following persons may receive, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year:

(1) Every Tier I member who is retired and receiving a base pension from the retirement system; and

(2) Every Tier I surviving spouse who is receiving a base pension from the retirement system.

2. Provided that the retirement system shall remain actuarially sound, each of the following persons may receive, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year as follows:

(1) Every Tier II member who retired with at least thirty-two years of creditable service shall be eligible in the year following retirement; and

(2) Every Tier II member who retired under subsection 1 of section 86.1151 with less than thirty-two years of creditable service shall be eligible in the year following the year in which they would have attained thirty-two years of creditable service had such member remained in active service; and

(3) Every Tier II member who retired under section **86.1180** shall be eligible in the year following retirement; and

(4) Every Tier II member who retired under section 86.1200 shall be eligible in the earlier of the year following the fifth year after retirement or the year following the year in which they would have attained thirty-two years of creditable service had such member remained in active service; and

(5) Every Tier II member who retired under subsection 3 of section 86.1151 shall be eligible in the year following the fifth year after retirement; and

(6) (a) Every Tier II surviving spouse of a member who, at the member's death, was receiving benefits including cost-of-living adjustments shall be eligible in the year following the most recent year when the decedent received a cost-of-living adjustment; and

(b) Every Tier II surviving spouse of a member who, at the member's death, was receiving benefits but who was not yet eligible for cost-of-living adjustments shall be eligible in the year when the decedent member would have become eligible had such decedent survived; and

(c) Every Tier II surviving spouse entitled to the benefit provided in subsection 1 of section 86.1260 shall be eligible in the year following the year of the member's death; and

(d) Every Tier II surviving spouse of a member who died with less than twenty-seven years of creditable service, entitled to benefits provided in subsection 1 of section 86.1240, and who is not eligible for the benefit provided in subsection 1 of section 86.1260, shall be eligible in the year following the fifth year after the member's death; and

(e) Every Tier II surviving spouse of a member who died with twenty-seven or more years of creditable service, entitled to benefits provided in subsection 1 of section 86.1240, and who is not eligible for the benefit provided in subsection 1 of section 86.1260, shall be eligible the later of the year following the year of the member's death or the year following the year in which the member would have attained thirty-two years of creditable service had such member remained in active service.

3. Provided that the retirement system shall remain actuarially sound, every child who, under subsection 2 of section 86.1250, is receiving the benefit, or a portion thereof, which would be payable to a surviving spouse of the member who was such child's parent, may receive each year such cost-of-living adjustment on such benefit as would have been payable on such benefit, or portion thereof, to such surviving spouse if living.

4. Upon the death of a Tier I member who has been retired and receiving a pension and who dies after September 28, 1987, the surviving spouse of such member entitled to receive a base pension under section 86.1240 or children of such member entitled to receive a base pension under subsection 2 of section 86.1250 shall receive an immediate percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, except that the adjustment provided by this subsection shall not be made to a base pension calculated under either subdivision (1) or paragraph (b) of subdivision (2) of subsection 2 of section 86.1240, either for a surviving spouse or for a child or children entitled to a base pension measured by the pension to which a qualified surviving spouse would be entitled, wherein such base pension is determined by a percentage of the amount being received by the deceased member at death.

5. Upon the death of a Tier II member who has been retired and receiving a pension, the surviving spouse of such member entitled to receive a base pension under section 86.1240 or children of such member entitled to receive a base pension under subsection 2 of section 86.1250 shall receive an immediate percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, except that the adjustment provided by this subsection shall not apply for any surviving spouse, or for a child or children entitled to benefits which would be received by a qualified surviving spouse, receiving a benefit pursuant to an election made under subdivision (1) of subsection 2 of section 86.1151.

6. For purposes of this section, the term "base pension" shall mean:

(1) For a member, the pension computed under the provisions of the law as of the date of retirement without regard to cost-of-living adjustments, as adjusted, if applicable, for any election made under subdivision (1) of subsection 2 of section 86.1151 or section 86.1210, but in all events not including any supplemental benefit under section 86.1230 or section 86.1231;

(2) For a surviving spouse, the base pension calculated for such spouse in accordance with the provisions of section 86.1240 or subdivision (3) of subsection 2 of section 86.1151, including any compensation as a consultant to which such surviving spouse is entitled under said section in lieu of a pension thereunder, but not including any supplemental benefit under section 86.1230 or section 86.1231; and

(3) For a member's surviving child who is entitled to receive part or all of the pension which would be received by the surviving spouse, if living, the base pension calculated for such surviving spouse in accordance with the provisions of section 86.1240 or subdivision (3) of

subsection 2 of section 86.1151, including any compensation as a consultant to which such spouse would be entitled under said section, if living, divided by the number of surviving children entitled to share in such pension under subsection 2 of section 86.1250.

7. The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by the retirement board in an amount that the board, in its discretion, determines to be satisfactory, but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to eligible members as provided in subsections 1 and 2 of this section who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse or applicable children of a member who has died during the year prior to such adjustments.

8. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement system ceases to be actuarially sound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

9. If any benefit under subsection 1 of section 86.1250 on August 27, 2005, would be reduced by application of this section, such benefit shall continue thereafter without reduction, but any benefit so continued shall terminate at the time prescribed in subsection 1 of section 86.1250.

Approved June 4, 2014

HB 1302 [HCS HB 1302]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies that Missourians have the right to heat their homes and businesses using wood-burning furnaces, stoves, fireplaces, and heaters

AN ACT to repeal section 643.055, RSMo, and to enact in lieu thereof one new section relating to the regulation of residential wood burning appliances.

SECTION

A. Enacting clause.
 643.055. Commission may adopt rules for compliance with federal law — suspension, reinstatement — exemption, limitations — regulation of residential wood burning heaters or appliances prohibited legislative authorization.

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

SECTION A. ENACTING CLAUSE. — Section 643.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 643.055, to read as follows:

643.055. COMMISSION MAY ADOPT RULES FOR COMPLIANCE WITH FEDERAL LAW — SUSPENSION, REINSTATEMENT — EXEMPTION, LIMITATIONS — REGULATION OF

RESIDENTIAL WOOD BURNING HEATERS OR APPLIANCES PROHIBITED LEGISLATIVE AUTHORIZATION. — 1. Other provisions of law notwithstanding, the Missouri air conservation commission shall have the authority to promulgate rules and regulations, pursuant to chapter 536, to establish standards and guidelines to ensure that the state of Missouri is in compliance with the provisions of the federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.). The standards and guidelines so established shall not be any stricter than those required under the provisions of the federal Clean Air Act, as amended; nor shall those standards and guidelines be enforced in any area of the state prior to the time required by the federal Clean Air Act, as amended. The restrictions of this section shall not apply to the parts of a state implementation plan developed by the commission to bring a nonattainment area into compliance and to maintain compliance when needed to have a United States Environmental Protection Agency approved state implementation plan. The determination of which parts of a state implementation plan are not subject to the restrictions of this section shall be based upon specific findings of fact by the air conservation commission as to the rules, regulations and criteria that are needed to have a United States Environmental Protection Agency approved plan.

2. The Missouri air conservation commission shall also have the authority to grant exceptions and variances from the rules set under subsection 1 of this section when the person applying for the exception or variance can show that compliance with such rules:

- (1) Would cause economic hardship; or
- (2) Is physically impossible; or
- (3) Is more detrimental to the environment than the variance would be; or
- (4) Is impractical or of insignificant value under the existing conditions.

3. The department shall not regulate the manufacture, performance, or use of residential wood burning heaters or appliances through a state implementation plan or otherwise, unless first specifically authorized to do so by the general assembly. No rule or regulation respecting the establishment or the enforcement of performance standards for residential wood burning heaters or appliances shall become effective unless and until first approved by the joint committee on administrative rules.

4. New rules or regulations shall not be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014 shall be not subject to any rules or regulations enacted after such date. No employee of the state or state agency shall enforce any new rules or regulations against such existing wood burning furnaces, stoves, fireplaces, and heaters.

Approved June 20, 2014

HB 1303 [HCS HB 1303]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the Missouri Student Religious Liberties Act

AN ACT to amend chapter 160, RSMo, by adding thereto one new section relating to religious liberties of students.

SECTION

- A. Enacting clause.
- 160.2500. Citation of act — discrimination based on religious viewpoint or expression prohibited — prayer and religious activities in school permitted, when — religious clothing and jewelry permitted — limited public policy forum authorized.
-

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

SECTION A. ENACTING CLAUSE. — Chapter 160, RSMo, is amended by adding thereto one new section, to be known as section 160.2500, to read as follows:

160.2500. CITATION OF ACT —DISCRIMINATION BASED ON RELIGIOUS VIEWPOINT OR EXPRESSION PROHIBITED — PRAYER AND RELIGIOUS ACTIVITIES IN SCHOOL PERMITTED, WHEN — RELIGIOUS CLOTHING AND JEWELRY PERMITTED — LIMITED PUBLIC POLICY FORUM AUTHORIZED. — **1.** This section shall be known and may be cited as the "Missouri Student Religious Liberties Act".

2. A public school district shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression. A school district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

3. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students shall not be penalized or rewarded on account of the religious content of their work. If an assignment requires a student's viewpoints to be expressed in course work, artwork or other written or oral assignments, a public school district shall not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the course work or assignment.

4. Students in public schools may pray or engage in religious activities or religious expression before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression, provided that such religious expression or religious activities are not disruptive of scheduled instructional time or other educational activities and do not impede access to school facilities or mobility on school premises. Students may organize prayer groups, religious clubs, or other religious gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the student's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

5. Students in public schools may wear clothing, accessories and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories and jewelry that display messages or symbols are permitted, as specified in subsection 7 of section 167.166.

6. (1) To ensure that the school district does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the district of a student's expression of a religious viewpoint, if any, a school district shall adopt a policy, which shall include the establishment of a limited public forum for student speakers at all

school events at which a student is to publicly speak. The policy regarding the limited public forum shall also require the school district to:

- (a) Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
- (b) Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
- (c) Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd or indecent speech; and
- (d) State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position or expression of the district.

(2) The school district disclaimer required by paragraph (d) of subdivision (1) of this subsection shall be provided at all graduation ceremonies. The school district shall also continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's nonsponsorship of the student's speech.

(3) Student expression on an otherwise permissible subject shall not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

(4) All public school districts shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints.

7. The provisions of this section shall not be construed to authorize this state or any of its political subdivisions to either:

- (1) Require any person to participate in prayer or in any other religious activity; or
- (2) Violate the constitutional rights of any person.

8. The provisions of this section shall not be construed to limit the authority of any public school to do any of the following:

- (1) Maintain order and discipline on the campus of the public school in a content and viewpoint neutral manner;
- (2) Protect the safety of students, employees and visitors of the public school;
- (3) Adopt and enforce policies and procedures regarding student speech at school, provided that the policies and procedures do not violate the rights of students as guaranteed by law.

9. The provisions of section 1.140 are applicable to this section.

Approved July 2, 2014

HB 1304 [SCS HCS HB 1304]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the definition of "original package" of malt liquor for liquor licensing purposes to include cans and pouches

AN ACT to repeal sections 311.055 and 311.200, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor, with an effective date for a certain section.

SECTION

- A. Enacting clause.
 - 311.055. License to manufacture not required, personal or family use — limitation — removal from premises permitted, when — inapplicability, when.
 - 311.200. Licenses — retail liquor dealers — fees — applications.
 - B. Delayed effective date.
-

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

SECTION A. ENACTING CLAUSE. — Sections 311.055 and 311.200, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 311.055 and 311.200, to read as follows:

311.055. LICENSE TO MANUFACTURE NOT REQUIRED, PERSONAL OR FAMILY USE — LIMITATION — REMOVAL FROM PREMISES PERMITTED, WHEN — INAPPLICABILITY, WHEN.

— 1. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. Any intoxicating liquor manufactured under this section [may] **shall** not be **sold or** offered for sale.

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized [affairs] **events**, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

3. Any beer brewed under this section used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

311.200. LICENSES — RETAIL LIQUOR DEALERS — FEES — APPLICATIONS. — 1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

2. For a permit authorizing the sale of malt liquor not in excess of five percent by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be required. The phrase "original package" shall be construed and held to refer to any package containing [three] **one** or more standard bottles, **cans, or pouches** of beer. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

3. For every license issued for the sale of malt liquor at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this

subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

4. For every license issued for the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year.

5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package.

6. For every license issued to any railroad company, railway sleeping car company operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per year. A duplicate of such license shall be posted in every car where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate license.

7. All applications for licenses shall be made upon such forms and in such manner as the supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the sum prescribed by this section for such license shall be paid to the director of revenue.

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of section 311.200 of this act shall take effect on January 1, 2015.

Approved June 27, 2014

HB 1320 [HB 1320]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Excuses breast-feeding mothers from jury service

AN ACT to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

SECTION

A. Enacting clause.

191.918. Breast-feeding in public permitted — not sexual conduct, public indecency, or obscenity — no municipal ordinances to prohibit or restrict.

494.430. Persons entitled to be excused from jury service — determinations made by judge — undue or extreme physical or financial hardship defined — documentation required, when.

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

SECTION A. ENACTING CLAUSE. — Sections 191.918 and 494.430, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 191.918 and 494.430, to read as follows:

191.918. BREAST-FEEDING IN PUBLIC PERMITTED — NOT SEXUAL CONDUCT, PUBLIC INDECENCY, OR OBSCENITY — NO MUNICIPAL ORDINANCES TO PROHIBIT OR RESTRICT. —

1. Notwithstanding any other provision of law to the contrary, a mother may, with [as much] discretion [as possible], breast-feed her child **or express breast milk** in any public or private location where the mother is otherwise authorized to be.

2. The act of a mother breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be shall not:

- (1) Constitute sexual conduct or sexual contact as defined in section 566.010; or**
- (2) Be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching, or obscenity or any other similar term for purposes of state or municipal law.**

3. A municipality shall not enact an ordinance prohibiting or restricting a mother from breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be.

494.430. PERSONS ENTITLED TO BE EXCUSED FROM JURY SERVICE — DETERMINATIONS MADE BY JUDGE — UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP DEFINED — DOCUMENTATION REQUIRED, WHEN. — 1. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

(1) Any person who has served on a state or federal petit or grand jury within the preceding two years;

(2) Any nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother;

~~[(2)]~~ **(3)** Any person whose absence from his or her regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;

~~[(3)]~~ **(4)** Any person upon whom service as a juror would in the judgment of the court impose an undue or extreme physical or financial hardship;

~~[(4)]~~ **(5)** Any person licensed as a health care provider as such term is defined in section 538.205, but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person's service as a juror would be detrimental to the health of the person's patients;

~~[(5)]~~ **(6)** Any employee of a religious institution whose religious obligations or constraints prohibit their serving on a jury. The certification of the employment and obligation or constraint may be provided by the employee's religious supervisor.

2. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary.

3. A person asking to be excused based on a finding of undue or extreme physical or financial hardship must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

4. Unless it is apparent to the court that the physical hardship would significantly impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue or extreme physical or financial hardship is limited to circumstances in which an individual would:

(1) Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or

(2) Incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principal means of support; or

(3) Suffer physical hardship that would result in illness or disease.

5. Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment.

6. A person asking a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation as required by the judge, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds

to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused. Such documents shall be filed under seal.

7. After two years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

Approved April 3, 2014

HB 1361 [CCS SS HB 1361]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding insurance

AN ACT to repeal sections 384.015, 384.017, 384.021, and 384.023, RSMo, and to enact in lieu thereof five new sections relating to domestic surplus lines insurers.

SECTION

- A. Enacting clause.
- 384.015. Definitions.
- 384.017. Nonadmitted insurers, purchases from allowed, when.
- 384.018. Nonadmitted insurer deemed domestic surplus lines insurer, when — domestic insurer deemed eligible surplus lines insurer, when — policies subject to taxation, when — exemption from certain statutory requirements, when — rulemaking authority.
- 384.021. Nonadmitted insurers, limitation on furnishing coverage — exempt commercial purchaser, licensee exemptions.
- 384.023. Unlisted nonadmitted insurers may be used for coverage, when — requirements.

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

SECTION A. ENACTING CLAUSE. — Sections 384.015, 384.017, 384.021, and 384.023, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 384.015, 384.017, 384.018, 384.021, and 384.023, to read as follows:

384.015. DEFINITIONS. — As used in sections 384.011 to 384.071, the following terms shall mean:

- (1) "Admitted insurer", an insurer licensed to do an insurance business in this state;
- (2) "Capital", funds paid in for stock or other evidence of ownership;
- (3) "Director", the director of the department of insurance, financial institutions and professional registration;
- (4) "**Domestic surplus lines insurer**", a nonadmitted insurer that is domiciled in this state with which a surplus lines licensee may place only surplus lines insurance;
- (5) "Eligible surplus lines insurer", a nonadmitted insurer with which a surplus lines licensee may place surplus lines insurance;
- [(5)] (6) "Exempt commercial purchaser", any person purchasing commercial insurance that, at the time of placement, meets the following requirements:
 - (a) The person employs or retains a qualified risk manager to negotiate insurance coverage;
 - (b) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of one hundred thousand dollars in the immediately preceding twelve months; and
 - (c) a. The person meets at least one of the following criteria:

(i) The person possesses a net worth in excess of twenty million dollars, as such amount is adjusted under subparagraph b. of this paragraph;

(ii) The person generates annual revenues in excess of fifty million dollars, as such amount is adjusted under subparagraph b. of this paragraph;

(iii) The person employs more than five hundred full-time or full-time equivalent employees per individual insured or is a member of an affiliated group employing more than one thousand employees in the aggregate;

(iv) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least thirty million dollars, as such amount is adjusted under subparagraph b. of this paragraph; or

(v) The person is a municipality with a population in excess of fifty thousand persons.

b. Effective on the fifth January first occurring after the date of the enactment of United States Public Law 111-203 and each fifth January first occurring thereafter, the amounts in items (i), (ii), and (iv) of subparagraph a. of this paragraph shall be adjusted to reflect the percentage change for such five-year period in the Consumer Price Index for All Urban Consumers published by the United States Bureau of Labor Statistic of the Department of Labor;

[(6)] (7) "Export", to place surplus lines insurance with a nonadmitted insurer;

[(7)] (8) "Home state":

(a) Except as provided in paragraph (b) of this subdivision, the term "home state" means, with respect to an insured:

a. The state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

b. If one hundred percent of the insured risk is located out of the state referred to in subparagraph a. of this paragraph, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated;

(b) If more [than one insured] **insureds than one** from an affiliated group are named insureds on a single nonadmitted insurance contract, the term "home state" means the home state, as determined under paragraph (a) of this subdivision, of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract;

(c) The principal place of business is the state where the insured maintains its headquarters and where the insured's high-level officers direct, control and coordinate the business activities of the insured;

[(8)] (9) "Kind of insurance", one of the types of insurance required to be reported in the annual statement which must be filed with the director by admitted insurers;

[(9)] (10) "Nonadmitted insurance", any property and casualty insurance permitted to be placed directly or through a surplus lines licensee with a nonadmitted insurer eligible to accept such insurance;

[(10)] (11) "Nonadmitted insurer", an insurer not licensed to do an insurance business in this state, including insurance exchanges authorized under the laws of other states, **but does not include a risk retention group, as that term is defined in the Liability Risk Retention Act of 1986 (15 U.S.C. Section 3901(a)(4))**;

[(11)] (12) "Producing broker", the individual broker or agent dealing directly with the party seeking insurance;

[(12)] (13) "Qualified risk manager", shall have the same meaning prescribed in the Nonadmitted and Reinsurance Reform Act of 2010 (15 U.S.C. Section 8206);

[(13)] (14) "Surplus", funds over and above liabilities and capital of the company for the protection of policyholders;

[(14)] (15) "Surplus lines insurance", any insurance of risks resident, located or to be performed in this state, permitted to be placed through a surplus lines licensee with a nonadmitted insurer eligible to accept such insurance, other than reinsurance, and life and health insurance and annuities;

~~[(15)]~~ **(16)** "Surplus lines licensee", a person licensed to place insurance on risks resident, located or to be performed in this state with nonadmitted insurers eligible to accept such insurance;

~~[(16)]~~ **(17)** "Wet marine and transportation insurance":

(a) Insurance upon vessels, crafts, hulls and of interests therein or with relation thereto;

(b) Insurance of marine builder's risks, marine war risks and contracts of marine protection and indemnity insurance;

(c) Insurance of freights and disbursements pertaining to a subject of insurance coming within this section; and

(d) Insurance of personal property and interests therein, in the course of exportation from or importation into any country, or in the course of transportation coastwise or on inland waters, including transportation by land, water or air from point of origin to final destination, in connection with any and all risks or periods of navigation, transit or transportation, and while being prepared for and while awaiting shipment, and during any delays, transshipment, or reshipment incident thereto.

384.017. NONADMITTED INSURERS, PURCHASES FROM ALLOWED, WHEN. — Surplus lines insurance may be placed by a surplus lines licensee if:

(1) Each insurer is an eligible surplus lines insurer;

(2) ~~[Each insurer is authorized to write the type of insurance in its domiciliary jurisdiction;~~

~~(3)]~~ The full amount or kind of insurance is not obtainable from admitted insurers who are actually transacting in this state the class of insurance required by the insured. Insurance shall be deemed obtainable within the meaning of this section if there is available a market with admitted insurers that can supply the insured's requirements both as to type of coverage and as to quality of service. "Type of coverage", as used in this section, refers to hazards covered and limits of coverage. "Quality of security and service", as used in this section, refers to the rating by a recognized financial service; and

~~[(4)]~~ **(3)** All other requirements of sections 384.011 to 384.071 are met.

384.018. NONADMITTED INSURER DEEMED DOMESTIC SURPLUS LINES INSURER, WHEN — DOMESTIC INSURER DEEMED ELIGIBLE SURPLUS LINES INSURER, WHEN — POLICIES SUBJECT TO TAXATION, WHEN — EXEMPTION FROM CERTAIN STATUTORY REQUIREMENTS, WHEN — RULEMAKING AUTHORITY. — **1. A nonadmitted insurer that is domiciled in this state will be deemed a domestic surplus lines insurer if all of the following are satisfied:**

(1) The insurer possesses policyholder surplus of at least twenty million dollars;

(2) The insurer is an approved or eligible surplus lines insurer in at least one jurisdiction other than this state;

(3) The board of directors of the insurer has passed a resolution seeking to be a domestic surplus lines insurer in this state; and

(4) The director has given written approval for the insurer to be a domestic surplus lines insurer.

2. For the purposes of the federal Nonadmitted and Reinsurance Act of 2010 (15 U.S.C. Section 8201), a domestic surplus lines insurer shall be considered a nonadmitted insurer as the term is defined in the Act with respect to risks insured in this state.

3. A domestic surplus lines insurer is deemed an eligible surplus lines insurer authorized to write any kind of insurance that a nonadmitted insurer not domiciled in this state is eligible to write.

4. Notwithstanding any other statute, the policies issued in this state by a domestic surplus lines insurer shall be subject to taxes assessed upon surplus lines policies issued by nonadmitted insurers, including the surplus lines premium tax under section 384.059, but will not be subject to other taxes levied upon admitted insurers whether domestic or foreign, including, but not limited to, taxes imposed by section 148.320.

5. Policies issued by a domestic surplus lines insurer are not subject to protections of, or other provisions of the Missouri property and casualty insurance guarantee association act, or the Missouri life and health insurance guaranty association act.

6. All financial and solvency requirements imposed by chapters 374, 375, 379, and 382 upon domestic admitted insurers shall apply to domestic surplus lines insurers unless domestic surplus lines insurers are otherwise specifically exempted.

7. A domestic surplus lines insurer shall not be subject to and shall be exempt from all statutory requirements relating to insurance rating plans, policy forms, policy cancellation and nonrenewal, and premium charged to the insured in the same manner and to the same extent as a nonadmitted insurer domiciled in another state.

8. The director may promulgate rules under section 374.045 and amend such rules relating to domestic surplus lines insurers as are necessary to enable the director to carry out the provisions of chapter 384.

384.021. NONADMITTED INSURERS, LIMITATION ON FURNISHING COVERAGE — EXEMPT COMMERCIAL PURCHASER, LICENSEE EXEMPTIONS. — 1. A surplus lines licensee shall not place coverage with a nonadmitted insurer, unless, at the time of placement, the surplus lines licensee has determined that the nonadmitted insurer:

(1) **Is authorized to write the kind of insurance in its domiciliary jurisdiction and meets one of these criteria:**

(a) Has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction, which equals the greater of the minimum capital and surplus requirements under the laws of this state or fifteen million dollars, except that the requirements of this subdivision may be satisfied by an insurer's possessing less than the minimum capital and surplus upon an affirmative finding of acceptability by the director provided that the finding shall be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability and company record and reputation within the industry, and in no event shall the director make an affirmative finding of acceptability when the nonadmitted insurer's capital and surplus is less than four million five hundred thousand dollars; [and] or

[(2)] (b) Appears on the most recent list of eligible surplus lines insurers published by the director from time to time but at least semiannually or on the most recent quarterly listing of alien insurers maintained by the international insurers department of the National Association of Insurance Commissioners.

2. Notwithstanding any other provision of this chapter or rules adopted to implement the provisions of this chapter, a surplus lines licensee seeking to procure or place nonadmitted insurance in Missouri for an exempt commercial purchaser shall not be required to satisfy any requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from nonadmitted insurers if:

(1) The surplus lines licensee procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) The exempt commercial purchaser has subsequently requested in writing the surplus lines licensee to procure or place such insurance from a nonadmitted insurer.

384.023. UNLISTED NONADMITTED INSURERS MAY BE USED FOR COVERAGE, WHEN — REQUIREMENTS. — [Only that portion of any] Risk eligible for export [for which the full amount of coverage is not procurable from eligible surplus lines insurers] may be placed with any other nonadmitted insurer which does not appear on the list of eligible surplus lines insurers published by the director pursuant to **paragraph (b) of subdivision [(4)] (1) of subsection 1** of section 384.021 but nonetheless meets the requirements set forth in [subdivisions (1) to (3)] **paragraph**

(a) of subdivision (1) of subsection 1 of section 384.021 and [any] **related complying** regulations of the director. The surplus lines licensee seeking to provide coverage through an unlisted nonadmitted insurer shall make a filing specifying the amount and percentage of each risk to be placed, and naming the nonadmitted insurer with which placement is intended **and shall pay the tax due pursuant to section 384.059**. Within twenty days after placing the coverage, the surplus lines licensee shall also send written notice to the insured or the producing broker that the insurance, or a portion thereof, has been placed with such nonadmitted insurer.

Approved June 19, 2014

HB 1371 [SS SCS HCS HB 1371]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Missouri Criminal Code

AN ACT to repeal sections 160.261, 167.115, 167.171, 188.030, 195.130, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.135, 566.147, 566.148, 566.149, 577.001, 577.010, 577.020, 577.037, 577.041, and 660.315, RSMo, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and sections 160.261, 167.115, 167.171, 188.030, 197.1036, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 476.055, 545.940, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001, 577.010, 577.013, 577.020, 577.037, 577.041, 579.060, and 579.105 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof thirty-two new sections relating to the Missouri criminal code restructuring, with penalty provisions and an effective date for certain sections.

SECTION

- A. Enacting clause.
- 160.261. Discipline, written policy established by local boards of education — contents — reporting requirements — additional restrictions for certain suspensions — weapons offense, mandatory suspension or expulsion — no civil liability for authorized personnel — spanking not child abuse, when — investigation procedure — officials falsifying reports, penalty.
- 167.115. Juvenile officer or other law enforcement authority to report to superintendent, when, how — superintendent to report certain acts, to whom — notice of suspension or expulsion to court — superintendent to consult.
- 167.171. Summary suspension of pupil — appeal — grounds for suspension — procedure — conference required, when — statewide suspension, when.
- 188.030. Abortion of viable unborn child prohibited, exceptions — physician duties — violations, penalty — severability — right of intervention, when.
- 197.1036. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.
- 210.117. Child not reunited with parents or placed in a home, when.
- 211.038. Children not to be reunited with parents or placed in a home, when — discretion to return, when.
- 217.010. Definitions.
- 217.703. Earned compliance credits awarded, when.
- 260.211. Demolition waste, criminal disposition of — penalties — conspiracy.
- 260.212. Solid waste, criminal disposition of — penalties — conspiracy.

- 476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report — expiration date.
- 476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report — expiration date.
- 545.940. Defendant may be tested for various sexually transmitted diseases, when.
- 556.061. Code definitions.
- 558.019. Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties — expenses — cooperation with commission — restorative justice methods — restitution fund.
- 559.036. Duration of probation — revocation.
- 559.106. Lifetime supervision of certain sexual offenders — electronic monitoring — termination at age sixty-five permitted, when.
- 559.115. Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.
- 559.633. Court to order participation in program, when — fees determined by department of corrections — supplemental fee to be deposited in correctional substance abuse earnings fund.
- 565.002. Definitions.
- 565.073. Domestic assault, second degree — penalty.
- 566.147. Certain offenders not to reside within one thousand feet of a school or child care facility.
- 566.148. Certain offenders not to physically be present or loiter within five hundred feet of a child care facility — violation, penalty.
- 566.149. Certain offenders not to be present within five hundred feet of school property, exception — permission required for parents or guardians who are offenders, procedure — penalty.
- 577.001. Chapter definitions.
- 577.010. Driving while intoxicated — sentencing restrictions.
- 577.013. Boating while intoxicated — sentencing restrictions.
- 577.020. Chemical tests for alcohol content of blood — consent implied, when — administered, when, how — information available to person tested, contents — videotaping of chemical or field sobriety test admissible evidence.
- 577.037. Chemical tests, results admitted into evidence, when, effect of.
- 577.041. Refusal to submit to chemical test — admissibility — request to include reasons and effect of refusal.
- 579.060. Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty.
- 579.105. Keeping or maintaining a public nuisance — violation, penalty.
- 160.261. Discipline, written policy established by local boards of education — contents — reporting requirements — additional restrictions for certain suspensions — weapons offense, mandatory suspension or expulsion — no civil liability for authorized personnel — spanking not child abuse, when — investigation procedure — officials falsifying reports, penalty.
- 167.115. Juvenile officer or other law enforcement authority to report to superintendent, when, how — superintendent to report certain acts, to whom — notice of suspension or expulsion to court — superintendent to consult.
- 167.171. Summary suspension of pupil — appeal — grounds for suspension — procedure — conference required, when — statewide suspension, when.
- 188.030. Abortion of viable unborn child prohibited, exceptions — physician duties — violations, penalty — severability — right of intervention, when.
- 197.1036. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.
- 210.117. Child not reunited with parents or placed in a home, when.
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- 260.211. Demolition waste, criminal disposition of — penalties — conspiracy.
- 260.212. Solid waste, criminal disposition of — penalties — conspiracy.
- 476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report — expiration date.
- 545.940. Defendant may be tested for various sexually transmitted diseases, when.
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- 559.036. Duration of probation — revocation.
- 559.106. Lifetime supervision of certain sexual offenders — electronic monitoring — termination at age sixty-five permitted, when.
- 559.115. Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.

- 559.633. Court to order participation in program, when — fees determined by department of corrections — supplemental fee to be deposited in correctional substance abuse earnings fund.
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- 566.149. Certain offenders not to be present within five hundred feet of school property, exception — permission required for parents or guardians who are offenders, procedure — penalty.
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- 577.020. Chemical tests for alcohol content of blood — consent implied, when — administered, when, how — information available to person tested, contents — videotaping of chemical or field sobriety test admissible evidence.
- 577.037. Chemical tests, results admitted into evidence, when, effect of.
- 577.041. Refusal to submit to chemical test — admissibility — request to include reasons and effect of refusal.
- 579.060. Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty.
- 579.105. Keeping or maintaining a public nuisance — violation, penalty.
 - B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 160.261, 167.115, 167.171, 188.030, 195.130, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.135, 566.147, 566.148, 566.149, 577.001, 577.010, 577.020, 577.037, 577.041, and 660.315, RSMo, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and sections 160.261, 167.115, 167.171, 188.030, 197.1036, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 476.055, 545.940, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001, 577.010, 577.013, 577.020, 577.037, 577.041, 579.060, and 579.105 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bill no. 491, ninety-seventh general assembly, second regular session, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 160.261, 167.115, 167.171, 188.030, 197.1036, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 476.055, 545.940, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001, 577.010, 577.013, 577.020, 577.037, 577.041, 579.060, and 579.105, to read as follows:

160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — ADDITIONAL RESTRICTIONS FOR CERTAIN SUSPENSIONS — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY. — 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved

methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in [subdivision (6) of] section [565.002] **556.061** to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 **as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;**
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
- (10) Distribution of drugs under section 195.211 **as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;**
- (11) Distribution of drugs to a minor under section 195.212 **as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;**
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024 **as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;**
- (15) Second degree assault under section 565.060 **as it existed prior to January 1, 2017, or second degree assault under section 565.052;**
- (16) Rape in the second degree under section 566.031;
- (17) Felonious restraint under section 565.120 **as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;**
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067 **as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;**
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100;
- (24) Harassment under section 565.090 **as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090;** or
- (25) Stalking under section 565.225 **as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225;**

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a

machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated,

the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. JUVENILE OFFICER OR OTHER LAW ENFORCEMENT AUTHORITY TO REPORT TO SUPERINTENDENT, WHEN, HOW — SUPERINTENDENT TO REPORT CERTAIN ACTS, TO WHOM — NOTICE OF SUSPENSION OR EXPULSION TO COURT — SUPERINTENDENT TO CONSULT. — 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 **as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;**
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
- (6) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
- (9) Distribution of drugs under section 195.211 **as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;**
- (10) Distribution of drugs to a minor under section 195.212 **as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;**
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024 **as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;**
- (14) Second degree assault under section 565.060 **as it existed prior to January 1, 2017, or second degree assault under section 565.052;**

(15) Sexual assault under section 566.040 as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;

(16) Felonious restraint under section 565.120 **as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;**

(17) Property damage in the first degree under section 569.100;

(18) The possession of a weapon under chapter 571;

(19) Child molestation in the first degree pursuant to section 566.067 **as it existed prior to January 1, 2017;**

(20) **Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069;**

(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;

~~(21)~~ (22) Sexual misconduct involving a child pursuant to section 566.083; or

~~(22)~~ (23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. SUMMARY SUSPENSION OF PUPIL — APPEAL — GROUNDS FOR SUSPENSION — PROCEDURE — CONFERENCE REQUIRED, WHEN — STATEWIDE SUSPENSION, WHEN. — 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one

hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
- (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
- (3) The pupil shall be given an opportunity to present such pupil's version of the incident;

and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020;
 - (b) Second degree murder under section 565.021;
 - (c) First degree assault under section 565.050;
 - (d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
 - (e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;

- (f) Statutory rape under section 566.032;
- (g) Statutory sodomy under section 566.062;
- (h) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
- (i) Distribution of drugs to a minor under section 195.212 **as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;**
- (j) Arson in the first degree under section 569.040;
- (k) Kidnapping **or kidnapping in the first degree**, when classified as a class A felony under section 565.110.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

188.030. ABORTION OF VIABLE UNBORN CHILD PROHIBITED, EXCEPTIONS — PHYSICIAN DUTIES — VIOLATIONS, PENALTY — SEVERABILITY — RIGHT OF INTERVENTION, WHEN. —

1. Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. For purposes of this section, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Except in the case of a medical emergency:

(1) Prior to performing or inducing an abortion upon a woman, the physician shall determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. In making such determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age;

(2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;

(3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;

(4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

(b) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.

(c) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term "hospital" is defined in section 197.020.

(d) Any physician who performs or induces an abortion upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

(e) No physician shall perform or induce an abortion upon a woman when it has been determined that the unborn child is viable unless there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life or health of the viable unborn child; provided that it does not pose an increased risk to the life of the woman or does not pose an increased risk of substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this section is guilty of a class [C] **D** felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section [560.011] **558.002**, shall be fined not less than ten thousand nor more than fifty thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of this section shall be subject to suspension or revocation of his or her license to practice medicine in the state of Missouri by the state board of registration for the healing arts under the provisions of sections 334.100 and 334.103.

5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.070.

6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.220.

7. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

8. Nothing in this section shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted in section 1.140. In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this section be declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, it is the intent of the legislature that the remaining provisions of this section remain in force and effect as far as capable of being carried into execution as intended by the legislature.

10. The general assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

[660.315.] 197.1036. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear

on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under **this** chapter [197];
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or [660.250] **197.1000** required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section [660.317] **197.1038**;
 - (2) Was placed on the employee disqualification list under this section after the date of hire;
 - (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;
 - (4) Has a disqualifying finding under this section, section [660.317] **197.1038**, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or
-

(5) Was denied a good cause waiver as provided for in subsection 10 of section [660.317] **197.1038**.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

210.117. CHILD NOT REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN. — 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,] 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069**, **566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203, 566.206, 566.209, [566.212] **566.211**, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060] **Abuse of a child under section 568.060 when such abuse is sexual in nature;**

(4) A violation of section 568.065;

(5) A violation of section [568.080] **573.200**;

(6) A violation of section [568.090] **573.205**; or

(7) A violation of section 568.175;

(8) **A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or**

(9) **A violation of section 566.212, 568.080, or 568.090 as such sections existed prior to January 1, 2017.**

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of[, or pled guilty to,] any such offense.

3. In any case where the children's division determines based on a substantiated report of child abuse that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child or any child care facility or school that the abused child attends, unless and until a court of competent jurisdiction determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are siblings or children living in the same home.

211.038. CHILDREN NOT TO BE REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN — DISCRETION TO RETURN, WHEN. — 1. A child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,] 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069**, **566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203, 566.206, 566.209, [566.212] **566.211**, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060] **Abuse of a child under section 568.060 when such abuse is sexual in nature;**

(4) A violation of section 568.065;

(5) A violation of section [568.080] **573.200;**

(6) A violation of section [568.090] **573.205;** or

(7) A violation of section 568.175;

(8) **A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or**

(9) **A violation of section 566.212, 568.080, or 568.090 as such sections existed prior to January 1, 2017.**

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise its discretion regarding the placement of a child under the jurisdiction of the juvenile court in a home in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home.

217.010. DEFINITIONS. — As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, **involuntary manslaughter in the first or second degree**, kidnapping, **kidnapping in the first degree**, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

- (12) "Offender", a person under supervision or an inmate in the custody of the department;
- (13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;
- (14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN. — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter [195] **579, or an offense previously listed in chapter 195**, or for a class [C or] D or E felony, excluding the offenses of [aggravated] stalking **in the first degree**, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section [565.060] **565.052**, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, [and] abuse of a child, **and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017**;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) [Involuntary manslaughter in the first degree;

(2)] Involuntary manslaughter in the second degree;

[3)] **(2) Assault in the second degree except under subdivision (2) of subsection 1 of section [565.060] 565.052 or section 565.060 as it existed prior to January 1, 2017**;

[4)] **(3) Domestic assault in the second degree;**

[5)] **(4) Assault [of a law enforcement officer in the second] in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017**;

[6)] **(5) Statutory rape in the second degree;**

[7)] **(6) Statutory sodomy in the second degree;**

[8)] **(7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or**

[9)] **(8) Any case in which the defendant is found guilty of a felony offense under chapter 571[,] ;**

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

11. Any offender who was sentenced prior to January 1, 2017, to an offense that was eligible for earned compliance credits under subsection 1 or 2 of this section at the time of sentencing shall continue to remain eligible for earned compliance credits so long as the offender meets all the other requirements provided under this section.

260.211. DEMOLITION WASTE, CRIMINAL DISPOSITION OF — PENALTIES — CONSPIRACY. — 1. A person commits the offense of criminal disposition of demolition waste if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste on property in this state other than in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance

or adversely affect the public health. Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste is subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. Any person who purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class [C] D misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class [D] E felony.

3. The court shall order any person convicted of illegally disposing of demolition waste upon his or her own property for remuneration to clean up such waste and, if he or she fails to clean up the waste or if he or she is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

4. The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.

5. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section [564.016] 562.014 if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. SOLID WASTE, CRIMINAL DISPOSITION OF — PENALTIES — CONSPIRACY. —

1. A person commits the offense of criminal disposition of solid waste if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Criminal disposition of solid waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at

least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to clean up the waste or if he **or she** is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

3. The court may order restitution by requiring any person convicted under this section to clean up any commercial or residential solid waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up commercial or residential solid waste illegally dumped by other persons.

4. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

5. Any person shall be guilty of conspiracy as defined in section [564.016] **562.014** if he knows or should have known that his **or her** agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class [D] E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with [the joint legislative committee on court automation. Such committee shall consist of the following]:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; **and**
- (4) The chair of the senate judiciary committee[;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation].

[9.] **8.** Section 488.027 shall expire on September 1, 2018. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2020.

[10.] **9.** This section shall expire on September 1, 2020.

[476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2015, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two

members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, 2015. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2017.

10. This section shall expire on September 1, 2017.]

[566.135.] 545.940. DEFENDANT MAY BE TESTED FOR VARIOUS SEXUALLY TRANSMITTED DISEASES, WHEN. — 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070,] **chapter 566 or section 565.050, assault in the first degree; section 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic assault in the third degree; section 565.075, assault while on school property; section 565.076, domestic assault in the fourth degree; section 565.081, 565.082, or 565.083, assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first, second, or third degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, [or] endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, recklessly exposing a person to HIV, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.**

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

556.061. CODE DEFINITIONS. — In this code, unless the context requires a different definition, the following [shall apply] **terms shall mean:**

(1) **"Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;**

(2) **"Affirmative defense" [has the meaning specified in section 556.056] :**

(a) **The defense referred to is not submitted to the trier of fact unless supported by evidence; and**

(b) **If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;**

[(2)] (3) **"Burden of injecting the issue" [has the meaning specified in section 556.051] :**

(a) **The issue referred to is not submitted to the trier of fact unless supported by evidence; and**

(b) **If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;**

[(3)] (4) **"Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;**

(5) **"Computer", the box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices,**

such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(6) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(7) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

[4] (13) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

~~[(5)]~~ **(14)** "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195;

~~[(6)]~~ **(16)** "Criminal negligence" [has the meaning specified in section 562.016] , **failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;**

~~[(7)]~~ **(17)** "Custody", a person is in custody when [the person] **he or she** has been arrested but has not been delivered to a place of confinement;

(18) "Damage", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

~~[(8)]~~ **(19)** "Dangerous felony" [means] , the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, **assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, [and,] child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, [and] parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;**

~~[(9)]~~ **(20)** "Dangerous instrument" [means] , any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

~~[(10)]~~ **(22)** "Deadly weapon" [means] , any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "Disability", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care

or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) "Elderly person", a person sixty years of age or older;

[(11)] (26) "Felony" [has the meaning specified in section 556.016] , an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

[(12)] (27) "Forcible compulsion" [means] either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

[(13)] (28) "Incapacitated" [means that] , a temporary or permanent physical or mental condition[, temporary or permanent,] in which a person is unconscious, unable to appraise the nature of [such person's] his or her conduct, or unable to communicate unwillingness to an act;

[(14)] (29) "Infraction" [has the meaning specified in section 556.021] , a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

[(15)] (30) "Inhabitable structure" [has the meaning specified in section 569.010] , a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such vehicle, vessel, or structure is "inhabitable" regardless of whether a person is actually present.

If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

[(16)] (31) "Knowingly" [has the meaning specified in section 562.016] , when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

[(17)] (32) "Law enforcement officer" [means] , any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

[(18)] (33) "Misdemeanor" [has the meaning specified in section 556.016] , an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

(34) "Of another", property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

[(19)] (35) "Offense" [means] , any felony[,] or misdemeanor [or infraction];

[(20)] (36) "Physical injury" [means physical pain, illness, or any impairment of physical condition] , slight impairment of any function of the body or temporary loss of use of any part of the body;

[(21)] (37) "Place of confinement" [means] , any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

[(22)] **(38)** "Possess" or "possessed" [means] , having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

[(23)] **(40)** "Public servant" [means] , any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

[(24)] **(41)** "Purposely" [has the meaning specified in section 562.016] , **when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;**

[(25)] **(42)** "Recklessly" [has the meaning specified in section 562.016] , **consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;**

[(26)] "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

[(27)] **(43)** "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

[(28)] **(44)** "Serious physical injury" [means] , physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

[(29)] "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;]

(45) "Services", when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions;

(46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender;

(47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

(48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;

[32] (49) "Voluntary act" [has the meaning specified in section 562.011] :

(a) A **bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or**

(b) **An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law;**

(50) **"Vulnerable person", any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.**

558.019. PRIOR FELONY CONVICTIONS, MINIMUM PRISON TERMS — PRISON COMMITMENT DEFINED — DANGEROUS FELONY, MINIMUM TERM PRISON TERM, HOW CALCULATED — SENTENCING COMMISSION CREATED, MEMBERS, DUTIES — EXPENSES — COOPERATION WITH COMMISSION — RESTORATIVE JUSTICE METHODS — RESTITUTION FUND. — 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section [558.018] **566.125**, or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter [195] **579, or in chapter 195 prior to January 1, 2017**, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include [commitment to a regimented discipline program established pursuant to section 217.378] **an offender's first incarceration prior to release on probation under section 217.362 or 559.115**. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

- (1) A sentence of life shall be calculated to be thirty years;
- (2) Any sentence either alone or in the aggregate with other consecutive sentences for [crimes] **offenses** committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar [crimes] **offenses** and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, **if** sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;
 - (2) Offender treatment programs;
 - (3) Mandatory community service;
-

- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a [defendant] **person** to make payment.

12. A [defendant] **person** who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the [defendant] **person** either willfully refused to make the payment or that the [defendant] **person** willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

559.036. DURATION OF PROBATION — REVOCATION. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him **or her** on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class [C or] **D or E** felony or an offense listed in chapter [195] **579 or an offense previously listed in chapter 195**; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is [involuntary manslaughter in the first degree,] involuntary manslaughter in the second degree, [aggravated] **stalking in the first degree**, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault [of a law enforcement officer in the second degree] **in the third**

degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy [or] , any case in which the defendant is found guilty of a felony offense under chapter 571, **or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;**

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court

rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section.

559.106. LIFETIME SUPERVISION OF CERTAIN SEXUAL OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN. — 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has [pleaded guilty to or has] been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, [or] 566.062, [based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense under section] 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August 28, 2006[,] ; or

(2) **Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017**, against a victim who was less than fourteen years [old] of age and the offender is a prior sex offender as defined in subsection 2 of this section[.];

the court shall order that the offender be supervised by the board of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously [pleaded guilty to or has] been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the

offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C [or] , class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section [558.018] **566.125**, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant [has pleaded guilty to or] has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to

section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section [558.018] **566.125**; or any offense in which there exists a statutory prohibition against either probation or parole.

559.633. COURT TO ORDER PARTICIPATION IN PROGRAM, WHEN — FEES DETERMINED BY DEPARTMENT OF CORRECTIONS — SUPPLEMENTAL FEE TO BE DEPOSITED IN CORRECTIONAL SUBSTANCE ABUSE EARNINGS FUND. — 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] **guilt for a felony offense pursuant to chapter 195 or 579**, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program.

2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the department of corrections pursuant to this section shall be deposited in the correctional substance abuse earnings fund created pursuant to section 559.635.

565.002. DEFINITIONS. — As used in this chapter, unless a different meaning is otherwise plainly required **the following terms mean:**

(1) "Adequate cause" [means] , cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "**Child**", a person under seventeen years of age;

(3) "Conduct", includes any act or omission;

(4) "**Course of conduct**", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

[(3)] (5) "Deliberation" means cool reflection for any length of time no matter how brief;

[(4)] "Intoxicated condition" means under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(5) "Operates" means physically driving or operating or being in actual physical control of a motor vehicle;

(6) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;]

(6) "**Domestic victim**", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

(7) "Emotional distress", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

(8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

(9) "Legal custody", the right to the care, custody and control of a child;

(10) "Parent", either a biological parent or a parent by adoption;

(11) "Person having a right of custody", a parent or legal guardian of the child;

(12) "Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

(13) "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

(14) "Special victim", any of the following:

(a) A law enforcement officer assaulted in the performance of his or her official duties or as a direct result of such official duties;

(b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;

(c) A probation and parole officer assaulted in the performance of his or her official duties or as a direct result of such official duties;

(d) An elderly person;

(e) A person with a disability;

(f) A vulnerable person;

(g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of his or her official duties or as a direct result of such official duties;

(h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580;

(i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract;

(j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and

(k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties;

[(7)] (15) "Sudden passion" [means] , passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;

[(8)] (16) "Trier" [means] , the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision;

(17) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.

565.073. DOMESTIC ASSAULT, SECOND DEGREE — PENALTY. — 1. A person commits the [crime] offense of domestic assault in the second degree if the act involves a [family or household member, including any child who is a member of the family or household, as defined

in section 455.010] **domestic victim, as the term "domestic victim" is defined under section 565.002**, and he or she:

(1) [Attempts to cause or] Knowingly causes physical injury to such [family or household member] **domestic victim** by any means, including but not limited to, [by] use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such [family or household member] **domestic victim**; or

(3) Recklessly causes physical injury to such [family or household member] **domestic victim** by means of any deadly weapon.

2. **The offense of domestic assault in the second degree is a class [C] D felony.**

566.147. CERTAIN OFFENDERS NOT TO RESIDE WITHIN ONE THOUSAND FEET OF A SCHOOL OR CHILD CARE FACILITY. — 1. Any person who, since July 1, 1979, has been or hereafter has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 **as it existed prior to January 1, 2017, or section 573.200**, use of a child in a sexual performance; section 568.090 **as it existed prior to January 1, 2017, or section 573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the county sheriff where such public school, private school, or child care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class [D] E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class [D] E felony.

566.148. CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY — VIOLATION, PENALTY. — 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;

subsection 2 of section 568.080 **as it existed prior to January 1, 2017, or section 573.200**, use of a child in a sexual performance; section 568.090 **as it existed prior to January 1, 2017, or section 573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

2. For purposes of this section, "child care facility" shall [have the same meaning as such term is defined in section 210.201] **include any child care facility licensed under chapter 210, or any child care facility that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility.**

3. [Any person who violates] **Violation of** the provisions of this section is [guilty of] a class A misdemeanor.

566.149. CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION — PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE — PENALTY. — 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 **as it existed prior to January 1, 2017, or section 573.200**, use of a child in a sexual performance; section 568.090 **as it existed prior to January 1, 2017, or section 573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under tribal, federal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series

of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

3. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this section [shall be] is a class A misdemeanor.

577.001. CHAPTER DEFINITIONS. — [1.] As used in this chapter, [the term "court" means any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041] **the following terms mean:**

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:

(a) Three or more intoxication-related boating offenses; or

(b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;

(5) "Chronic offender", a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense

committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(8) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

(9) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(10) "Habitual offender", a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions;

or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(d) While driving while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(11) "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(12) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(13) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(14) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(15) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(16) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(17) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

(18) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

(19) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(20) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.010. DRIVING WHILE INTOXICATED — SENTENCING RESTRICTIONS. — 1. A person commits the [crime] offense of ["driving while intoxicated"] if he or she operates a [motor] vehicle while in an intoxicated [or drugged] condition.

2. The offense of driving while intoxicated is [for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years] :

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

- (3) A class E felony if:
 - (a) The defendant is a persistent offender; or
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;
- (4) A class D felony if:
 - (a) The defendant is an aggravated offender;
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or
 - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;
- (5) A class C felony if:
 - (a) The defendant is a chronic offender;
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or
 - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;
- (6) A class B felony if:
 - (a) The defendant is a habitual offender; or
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;
- (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision (10) of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, [in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program] **a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:**

- (1) Unless such person shall be placed on probation for a minimum of two years; or
- (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section [for such first offense]:

- (1) If the individual operated the [motor] vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;
- (2) If the individual operated the [motor] vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of driving while intoxicated:

- (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;
- (2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

577.013. BOATING WHILE INTOXICATED — SENTENCING RESTRICTIONS. — 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision (11) of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

- (1) Unless such person shall be placed on probation for a minimum of two years; or
- (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of boating while intoxicated:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment;

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

577.020. CHEMICAL TESTS FOR ALCOHOL CONTENT OF BLOOD — CONSENT IMPLIED, WHEN — ADMINISTERED, WHEN, HOW — INFORMATION AVAILABLE TO PERSON TESTED, CONTENTS — VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE.

— 1. Any person who operates a [motor] vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent [to], subject to the provisions of sections 577.019 to 577.041, to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was [driving a motor] operating a vehicle or a vessel while in an intoxicated [or drugged] condition; [or]

(2) **If the person is detained for any offense of operating an aircraft while intoxicated under section 577.015 or operating an aircraft with excessive blood alcohol content under section 577.016;**

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was [driving a motor] **operating a vehicle or a vessel** with a blood alcohol content of two-hundredths of one percent or more by weight; [or]

[3)] (4) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

[4)] (5) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater; **or**

[5)] (6) If the person, while operating a [motor] vehicle, has been involved in a [motor vehicle] collision **or accident** which resulted in a fatality or a readily apparent serious physical injury as defined in section [565.002] **556.061**, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in [chapter] **chapters 306 and 307**, or similar provisions contained in county or municipal ordinances; [or] .

[6)] If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in section 565.002.]

The test shall be administered at the direction of the law enforcement officer whenever the person has been [arrested or] stopped, **detained, or arrested** for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same **stop, detention, arrest, incident or charge.**

3. **To be considered valid**, chemical analysis of the person's breath, blood, saliva, or urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be performed, according to methods approved by the state department of health and senior services, by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

4. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be [considered valid] **used in the chemical test** pursuant to the provisions of sections 577.019 to 577.041 [and] . **The department shall also** establish standards to ascertain the qualifications and competence of individuals to conduct **such** analyses and [to] issue permits which shall be subject to termination or revocation by the state department of health and senior services.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
 - (2) The time of the collection of the blood [or] , breath [sample] , or urine **sample** analyzed;
 - (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - (4) The type and status of any permit which was held by the person who performed the test;
-

(5) If the test was administered by means of a breath-testing instrument, the date [of performance] of the most recent [required] maintenance of such instrument. Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at [either] any trial of such person for [either] a violation of any state law or county or municipal ordinance, [or] **and at** any license revocation or suspension proceeding **held** pursuant to the provisions of chapter 302.

577.037. CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF. —

1. Upon the trial of any person for [violation of any of the provisions of section 565.024, or section 565.060, or section 577.010 or 577.012, or upon the trial of any criminal action] **any criminal offense** or violations of county or municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, arising out of acts alleged to have been committed by any person while [driving] **operating a [motor] vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft**, while in an intoxicated condition **or with an excessive blood alcohol content**, the amount of alcohol in the person's blood at the time of the act [alleged], as shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. [If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.]

2. **If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an excessive blood alcohol content shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted:**

(1) **There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;**

(2) **There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or**

(3) **There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.**

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

[3.] 4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

[4.] 5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection [1] 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.

[5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of

alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health and senior services demonstrate that there was less than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

- (1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;
- (2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or
- (3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.]

577.041. REFUSAL TO SUBMIT TO CHEMICAL TEST — ADMISSIBILITY — REQUEST TO INCLUDE REASONS AND EFFECT OF REFUSAL. — 1. If a person under arrest, or who has been **detained pursuant to subdivision (2) of subsection 1 of section 577.020, or** stopped pursuant to subdivision [(2) or] (3) **or (4)** of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in [a] **any proceeding [pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012] related to the acts resulting in such detention, stop, or arrest.**

2. The request of the officer **to submit to any chemical test** shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person [and that the person's] . **If such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall further be informed that his or her** license shall be immediately revoked upon refusal to take the test.

3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. [In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

- (1) That the officer has:
 - (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
- (2) That the person refused to submit to a chemical test;
- (3) Whether the officer secured the license to operate a motor vehicle of the person;
- (4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future,

except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.]

579.060. UNLAWFUL SALE, DISTRIBUTION, OR PURCHASE OF OVER-THE-COUNTER METHAMPHETAMINE PRECURSOR DRUGS—VIOLATION, PENALTY.— 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

(5) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenths grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and subsection 5 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.

[195.130.] 579.105. KEEPING OR MAINTAINING A PUBLIC NUISANCE — VIOLATION, PENALTY. — 1. [Any room, building, structure or inhabitable structure as defined in section 569.010 which is used for the illegal use, keeping or selling of controlled substances is a "public nuisance". No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for the illegal use, keeping or selling of controlled substances, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance.] **A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:**

(1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or

(2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the [crime] offense of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

3. The offense of keeping or maintaining a public nuisance is a class E felony.

[5.] 4. Upon the conviction of the owner pursuant to [subsection 4 of] this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

[160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — ADDITIONAL RESTRICTIONS FOR CERTAIN SUSPENSIONS — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY. — 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which

punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping **in the first degree** under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section [569.020] **570.023**;
- (10) [Distribution of drugs] **Manufacture of a controlled substance** under section [195.211] **579.055**;
- (11) [Distribution of drugs to a minor] **Delivery of a controlled substance** under section [195.212] **579.020**;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section [565.060] **565.052**;
- (16) Rape in the second degree under section 566.031;
- (17) [Felonious restraint] **Kidnapping in the second degree** under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first, **second, or third** degree pursuant to section 566.067, **566.068, or 566.069**;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100;
- (24) Harassment **in the first degree** under section 565.090; or
- (25) Stalking **in the first degree** under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.]

[167.115. JUVENILE OFFICER OR OTHER LAW ENFORCEMENT AUTHORITY TO REPORT TO SUPERINTENDENT, WHEN, HOW — SUPERINTENDENT TO REPORT CERTAIN ACTS, TO WHOM — NOTICE OF SUSPENSION OR EXPULSION TO COURT — SUPERINTENDENT TO CONSULT. — 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 **as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;**
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
- (6) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;

- (7) Burglary in the first degree under section 569.160;
 - (8) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
 - (9) Distribution of drugs under section 195.211 **as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;**
 - (10) Distribution of drugs to a minor under section 195.212 **as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;**
 - (11) Arson in the first degree under section 569.040;
 - (12) Voluntary manslaughter under section 565.023;
 - (13) Involuntary manslaughter under section 565.024;
 - (14) Second degree assault under section 565.060 **as it existed prior to January 1, 2017, or second degree assault under section 565.052;**
 - (15) Sexual assault under section 566.040 as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;
 - (16) Felonious restraint under section 565.120 **as it existed prior to January 1, 2017, or kidnapping in the second degree for an act committed after December 31, 2016;**
 - (17) Property damage in the first degree under section 569.100;
 - (18) The possession of a weapon under chapter 571;
 - (19) Child molestation in the first degree pursuant to section 566.067 **as it existed prior to January 1, 2017;**
 - (20) **Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069 for an act committed after December 31, 2016;**
 - (21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;
 - [21]] (22) Sexual misconduct involving a child pursuant to section 566.083; or
 - [22]] (23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.
2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.
3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.
4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.
5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.]

[167.171. SUMMARY SUSPENSION OF PUPIL — APPEAL — GROUNDS FOR SUSPENSION — PROCEDURE — CONFERENCE REQUIRED, WHEN — STATEWIDE SUSPENSION, WHEN. — 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall

include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020;
 - (b) Second degree murder under section 565.021;
 - (c) First degree assault under section 565.050;
 - (d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
 - (e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
 - (f) Statutory rape under section 566.032;
 - (g) Statutory sodomy under section 566.062;
 - (h) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
 - (i) Distribution of drugs to a minor under section 195.212;
 - (j) Arson in the first degree under section 569.040;
 - (k) Kidnapping **or kidnapping in the first degree**, when classified as a class A felony under section 565.110.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension

or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.]

[188.030. ABORTION OF VIABLE UNBORN CHILD PROHIBITED, EXCEPTIONS — PHYSICIAN DUTIES — VIOLATIONS, PENALTY — SEVERABILITY — RIGHT OF INTERVENTION, WHEN. — 1. Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. For purposes of this section, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Except in the case of a medical emergency:

(1) Prior to performing or inducing an abortion upon a woman, the physician shall determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. In making such determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age;

(2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;

(3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;

(4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

(b) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.

(c) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term "hospital" is defined in section 197.020.

(d) Any physician who performs or induces an abortion upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

(e) No physician shall perform or induce an abortion upon a woman when it has been determined that the unborn child is viable unless there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life or health of the viable unborn child; provided that it does not pose an increased risk to the life of the woman or does not pose an increased risk of substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this section is guilty of a class [C] D felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section 560.011, shall be fined not less than ten thousand nor more than fifty thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of this section shall be subject to suspension or revocation of his or her license to practice medicine in the state of Missouri by the state board of registration for the healing arts under the provisions of sections 334.100 and 334.103.

5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.070.

6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.220.

7. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

8. Nothing in this section shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted in section 1.140. In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this section be declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, it is the intent of the legislature that the remaining provisions of this section remain in force and effect as far as capable of being carried into execution as intended by the legislature.

10. The general assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this law is challenged.]

[[660.315.] 197.1036. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for

hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under **this** chapter [197];
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section [660.317] **197.1038**;

- (2) Was placed on the employee disqualification list under this section after the date of hire;
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;
- (4) Has a disqualifying finding under this section, section [660.317] **197.1038**, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or
- (5) Was denied a good cause waiver as provided for in subsection 10 of section [660.317] **197.1038**.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.]

[210.117. CHILD NOT REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN. — 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

- (1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,] 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069**, **566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;
- (2) A violation of section 568.020;
- (3) [A violation of subdivision (2) of subsection 1 of section 568.060] **Abuse of a child under section 568.060 when such abuse is sexual in nature;**
- (4) A violation of section 568.065;
- (5) A violation of section [568.080] **573.200**;
- (6) A violation of section [568.090] **573.205**; or
- (7) A violation of section 568.175;
- (8) **A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or**
- (9) **A violation of section 568.080 or 568.090 as such sections existed prior to January 1, 2017.**

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of[, or pled guilty to,] any such offense.

3. In any case where the children's division determines based on a substantiated report of child abuse that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child or any child care facility or school that the abused child attends, unless and until a court of competent jurisdiction

determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are siblings or children living in the same home.]

[211.038. CHILDREN NOT TO BE REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN—DISCRETION TO RETURN, WHEN.— 1. A child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,] 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069**, **566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060] **Abuse of a child under section 568.060 when such abuse is sexual in nature;**

(4) A violation of section 568.065;

(5) A violation of section [568.080] **573.200;**

(6) A violation of section [568.090] **573.205;** or

(7) A violation of section 568.175;

(8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or

(9) A violation of section 568.080 or 568.090 as such sections existed prior to January 1, 2017.

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise its discretion regarding the placement of a child under the jurisdiction of the juvenile court in a home in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home.]

[217.010. DEFINITIONS.— As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **kidnapping in the first degree**, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.]

[217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN. — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter [195] **579, or an offense previously listed in chapter 195**, or for a class [C or] **D or E** felony, excluding the offenses of [aggravated] **stalking in the first degree**, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section [565.060] **565.052**, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, [and] abuse of a child, **and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;**

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

(3) Assault in the second degree except under subdivision (2) of subsection 1 of section [565.060] **565.052 or section 565.060 as it existed prior to January 1, 2017;**

(4) Domestic assault in the second degree;

(5) Assault [of a law enforcement officer in the second] **in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;**

- (6) Statutory rape in the second degree;
- (7) Statutory sodomy in the second degree;
- (8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(9) Any case in which the defendant is found guilty of a felony offense under chapter 571, the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.]

[260.211. DEMOLITION WASTE, CRIMINAL DISPOSITION OF — PENALTIES — CONSPIRACY. — 1. A person commits the offense of criminal disposition of demolition waste if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste on property in this state other than in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste is subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. Any person who purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class [C] D misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class [D] E felony.

3. The court shall order any person convicted of illegally disposing of demolition waste upon his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to clean up the waste or if he **or she** is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

4. The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.

5. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section 564.016 if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.]

[260.212. SOLID WASTE, CRIMINAL DISPOSITION OF — PENALTIES — CONSPIRACY. — 1. A person commits the offense of criminal disposition of solid waste if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Criminal disposition of solid waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to clean up the waste or if he **or she** is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

3. The court may order restitution by requiring any person convicted under this section to clean up any commercial or residential solid waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up commercial or residential solid waste illegally dumped by other persons.

4. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

5. Any person shall be guilty of conspiracy as defined in section 564.016 if he knows or should have known that his **or her** agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.]

[476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,

contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class [D] E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with [the joint legislative committee on court automation. Such committee shall consist of the following]:

- (1) The chair of the house budget committee;

- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; **and**
- (4) The chair of the senate judiciary committee];
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation].

[9.] **8.** Section 488.027 shall expire on September 1, 2018. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2020.

10. This section shall expire on September 1, 2020.]

[[566.135.] 545.940. DEFENDANT MAY BE TESTED FOR VARIOUS SEXUALLY TRANSMITTED DISEASES, WHEN. — 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070,] **chapter 566 or section 565.050, assault in the first degree; 565.052, assault in the second degree; 565.054, assault in the third degree; 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic assault in the third degree; section 565.076, domestic assault in the fourth degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, [or] endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, recklessly exposing a person to HIV, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.**

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.]

[556.061. CODE DEFINITIONS. — In this code, unless the context requires a different definition, the following [shall apply] **terms shall mean:**

- (1) **"Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;**
- (2) **"Affirmative defense" [has the meaning specified in section 556.056] :**
 - (a) **The defense referred to is not submitted to the trier of fact unless supported by evidence; and**

(b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;

[(2)] (3) "Burden of injecting the issue" [has the meaning specified in section 556.051] :

(a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;

[(3)] (4) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(5) "Computer", the box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(6) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(7) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

[(4)] (13) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise;

or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

[(5)] (14) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug substance, or immediate precursor in schedules I through V as defined in chapter 195;

[(6)] (16) "Criminal negligence" [has the meaning specified in section 562.016], failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

[(7)] (17) "Custody", a person is in custody when [the person] **he or she** has been arrested but has not been delivered to a place of confinement;

(18) "Damage", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

[(8)] (19) "Dangerous felony" [means] , the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first

degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, [and,] **child molestation in the first or second degree**, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, [and] parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, **and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" as such terms are defined in section 577.001;**

[9)] (20) "Dangerous instrument" [means] , any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) "**Data**", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

[(10)] (22) "Deadly weapon" [means] , any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) "**Digital camera**", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "**Disability**", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) "**Elderly person**", a person sixty years of age or older;

[(11)] (26) "Felony" [has the meaning specified in section 556.016] , **an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;**

[(12)] (27) "Forcible compulsion" [means] either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

[(13)] (28) "Incapacitated" [means that] , a **temporary or permanent** physical or mental condition[, temporary or permanent,] in which a person is unconscious, unable to appraise the nature of [such person's] **his or her** conduct, or unable to communicate unwillingness to an act;

[(14)] (29) "Infraction" [has the meaning specified in section 556.021] , a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

[(15)] (30) "Inhabitable structure" [has the meaning specified in section 569.010] , a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such vehicle, vessel, or structure is "inhabitable" regardless of whether a person is actually present.

If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

[(16)] (31) "Knowingly" [has the meaning specified in section 562.016] , when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

[(17)] (32) "Law enforcement officer" [means] , any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

[(18)] (33) "Misdemeanor" [has the meaning specified in section 556.016] , an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

(34) "Of another", property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

[(19)] (35) "Offense" [means] , any felony[,] or misdemeanor [or infraction];

[(20)] (36) "Physical injury" [means physical pain, illness, or any impairment of physical condition] , slight impairment of any function of the body or temporary loss of use of any part of the body;

[(21)] (37) "Place of confinement" [means] , any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

[(22)] (38) "Possess" or "possessed" [means] , having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

[(23)] (40) "Public servant" [means] , any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

[(24)] (41) "Purposely" [has the meaning specified in section 562.016] , when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

[(25)] (42) "Recklessly" [has the meaning specified in section 562.016] , consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

[(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27)] (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

[(28)] (44) "Serious physical injury" [means] , physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

[(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;]

(45) "Services", when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions;

(46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender;

(47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

(48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;

[(32)] (49) "Voluntary act" [has the meaning specified in section 562.011] :

(a) A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or

(b) An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law;

(50) "Vulnerable person", any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.]

[558.019. PRIOR FELONY CONVICTIONS, MINIMUM PRISON TERMS — PRISON COMMITMENT DEFINED — DANGEROUS FELONY, MINIMUM TERM PRISON TERM, HOW CALCULATED — SENTENCING COMMISSION CREATED, MEMBERS, DUTIES — EXPENSES — COOPERATION WITH COMMISSION — RESTORATIVE JUSTICE METHODS — RESTITUTION FUND. — 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section [558.018] **566.125**, or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter [195] **579**, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include [commitment to a regimented discipline program established pursuant to section 217.378] **an offender's first incarceration prior to release on probation under section 217.362 or an offender's incarceration prior to release on probation under section 559.115**. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for [crimes] **offenses** committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar [crimes] **offenses** and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, **if** sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a [defendant] **person** to make payment.

12. A [defendant] **person** who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the [defendant] **person** either willfully refused to make the payment or that the [defendant] **person** willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.]

[559.036. DURATION OF PROBATION — REVOCATION. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him **or her** on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class [C or] **D or E felony** or an offense listed in chapter [195] **579 or an offense previously listed in chapter 195**; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the first degree, involuntary manslaughter in

the second degree, [aggravated] stalking **in the first degree**, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault [of a law enforcement officer in the second degree] **in the third degree when the victim is a special victim**, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy [or], any case in which the defendant is found guilty of a felony offense under chapter 571, **or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;**

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.]

[559.106. LIFETIME SUPERVISION OF CERTAIN SEXUAL OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN. — 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has [pleaded guilty to or has] been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, [or] 566.062, [based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense under section] 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August 28, 2006[,] ; or

(2) **Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017,**

against a victim who was less than fourteen years [old] **of age** and the offender is a prior sex offender as defined in subsection 2 of this section, the court shall order that the offender be supervised by the board of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously [pleaded guilty to or has] been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.]

[559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO

STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C [or], class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section [558.018] **566.125**, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant [has pleaded guilty to or] has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program

as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's [first] incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; **or** an offender who has been found to be a predatory sexual offender pursuant to section [558.018] **566.125**; or any offense in which there exists a statutory prohibition against either probation or parole.]

[559.633. COURT TO ORDER PARTICIPATION IN PROGRAM, WHEN — FEES DETERMINED BY DEPARTMENT OF CORRECTIONS — SUPPLEMENTAL FEE TO BE DEPOSITED IN CORRECTIONAL SUBSTANCE ABUSE EARNINGS FUND. — 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] **guilt for** a felony offense pursuant to chapter [195] **579**, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program.

2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the department of corrections pursuant to this section shall be deposited in the correctional substance abuse earnings fund created pursuant to section 559.635.]

[565.002. DEFINITIONS. — As used in this chapter, unless a different meaning is otherwise plainly required **the following terms mean:**

(1) "Adequate cause" [means] , cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

- (2) "Child", a person under seventeen years of age;
- (3) "Conduct", includes any act or omission;
- (4) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;
- [3] (5) "Deliberation" means cool reflection for any length of time no matter how brief;
- (4) "Intoxicated condition" means under the influence of alcohol, a controlled substance, or drug, or any combination thereof;
- (5) "Operates" means physically driving or operating or being in actual physical control of a motor vehicle;
- (6) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;]
- (6) "Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;
- (7) "Emotional distress", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;
- (8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;
- (9) "Legal custody", the right to the care, custody and control of a child;
- (10) "Parent", either a biological parent or a parent by adoption;
- (11) "Person having a right of custody", a parent or legal guardian of the child;
- (12) "Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;
- (13) "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;
- (14) "Special victim", any of the following:
 - (a) A law enforcement officer assaulted in the performance of official duties or as a direct result of such official duties;
 - (b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of official duties or as a direct result of such official duties;
 - (c) A probation and parole officer assaulted in the performance of official duties or as a direct result of such official duties;
 - (d) An elderly person;
 - (e) A person with a disability;
 - (f) A vulnerable person;
 - (g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of official duties or as a direct result of such official duties;
 - (h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580;

(i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract;

(j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and

(k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties;

[7)] (15) "Sudden passion" [means] , passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;

[8)] (16) "Trier" [means] , the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision;

(17) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.]

[565.073. DOMESTIC ASSAULT, SECOND DEGREE —PENALTY. — 1. A person commits the [crime] offense of domestic assault in the second degree if the act involves a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] **domestic victim, as the term "domestic victim" is defined under section 565.002**, and he or she:

(1) [Attempts to cause or] Knowingly causes physical injury to such family or household member by any means, including but not limited to, [by] use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. **The offense of domestic assault in the second degree is a class [C] D felony.**]

[566.147. CERTAIN OFFENDERS NOT TO RESIDE WITHIN ONE THOUSAND FEET OF A SCHOOL OR CHILD CARE FACILITY. — 1. Any person who, since July 1, 1979, has been or hereafter has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, **or** any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child

care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the county sheriff where such public school, private school, or child care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class [D] E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class [D] E felony.]

[566.148. CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY — VIOLATION, PENALTY.

— 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

2. For purposes of this section, "child care facility" shall [have the same meaning as such term is defined in section 210.201] **include any child care facility licensed under chapter 210, or any child care facility that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility.**

3. [Any person who violates] **Violation of** the provisions of this section is [guilty of] a class A misdemeanor.]

[566.149. CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION — PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE — PENALTY.

— 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of section 568.020, incest; section 568.045, endangering the welfare of a child in the

first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under tribal, federal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

3. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this section [shall be] **is a class A misdemeanor.**]

[577.001. CHAPTER DEFINITIONS. — [1.] As used in this chapter, [the term "court" means any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be

subject to judicial review as provided in subsection 7 of section 577.041] the following terms mean:

- (1) "Aggravated offender", a person who has been found guilty of:
 - (a) Three or more intoxication-related traffic offenses committed on separate occasions; or
 - (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (2) "Aggravated boating offender", a person who has been found guilty of:
 - (a) Three or more intoxication-related boating offenses; or
 - (b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;
- (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;
- (5) "Chronic offender", a person who has been found guilty of:
 - (a) Four or more intoxication-related traffic offenses committed on separate occasions; or
 - (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
 - (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (6) "Chronic boating offender", a person who has been found guilty of:
 - (a) Four or more intoxication-related boating offenses; or
 - (b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
 - (c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(8) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

(9) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(10) "Habitual offender", a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(11) "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(12) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(13) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(14) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(15) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(16) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(17) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

(18) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

(19) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(20) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.]

[577.010. DRIVING WHILE INTOXICATED — SENTENCING RESTRICTIONS. —

1. A person commits the [crime] offense of ["driving while intoxicated"] if he or she operates a [motor] vehicle while in an intoxicated [or drugged] condition.

2. **The offense of driving while intoxicated is [for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years] :**

(1) **A class B misdemeanor;**

(2) **A class A misdemeanor if:**

(a) **The defendant is a prior offender; or**

(b) **A person less than seventeen years of age is present in the vehicle;**

(3) **A class E felony if:**

(a) **The defendant is a persistent offender; or**

(b) **While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;**

(4) **A class D felony if:**

(a) **The defendant is an aggravated offender;**

(b) **While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or**

(c) **While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;**

(5) **A class C felony if:**

(a) **The defendant is a chronic offender;**

(b) **While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or**

(c) **While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;**

(6) **A class B felony if:**

(a) **The defendant is a habitual offender;**

(b) **While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; or**

(c) **While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons unless it is a second or subsequent violation of this subsection, in which case it is a class A felony.**

3. Notwithstanding the provisions of subsection 2 of this section, [in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program] **a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:**

(1) **Unless such person shall be placed on probation for a minimum of two years; or**

(2) **In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.**

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section [for such first offense]:

(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of driving while intoxicated:

(1) **As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;**

(2) **As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:**

(a) **Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or**

(b) **The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;**

(3) **As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:**

(a) **Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or**

(b) **The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;**

(4) **As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;**

(5) **As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.]**

[577.013. BOATING WHILE INTOXICATED — SENTENCING RESTRICTIONS. —

- 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.**
 - 2. The offense of boating while intoxicated is:**
 - (1) A class B misdemeanor;**
 - (2) A class A misdemeanor if:**
 - (a) The defendant is a prior boating offender; or**
 - (b) A person less than seventeen years of age is present in the vessel;**
 - (3) A class E felony if:**
 - (a) The defendant is a persistent boating offender; or**
 - (b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;**
 - (4) A class D felony if:**
 - (a) The defendant is an aggravated boating offender;**
 - (b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or**
 - (c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;**
 - (5) A class C felony if:**
 - (a) The defendant is a chronic boating offender;**
 - (b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or**
 - (c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;**
 - (6) A class B felony if:**
 - (a) The defendant is a habitual boating offender;**
 - (b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; or**
 - (c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons unless it is a second or subsequent violation of this subsection, in which case it is a class A felony.**
 - 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:**
 - (1) Unless such person shall be placed on probation for a minimum of two years; or**
 - (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.**
 - 4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:**
 - (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;**
 - (2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.**

5. A person found guilty of the offense of boating while intoxicated:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment;

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.]

[577.020. CHEMICAL TESTS FOR ALCOHOL CONTENT OF BLOOD — CONSENT IMPLIED, WHEN — ADMINISTERED, WHEN, HOW — INFORMATION AVAILABLE TO PERSON TESTED, CONTENTS — VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE. — 1. Any person who operates a [motor] vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent [to], subject to the provisions of sections 577.019 to 577.041, to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was [driving a motor] operating a vehicle or a vessel while in an intoxicated [or drugged] condition; [or]

(2) If the person is detained for any offense of operating an aircraft while intoxicated under section 577.015 or operating an aircraft with excessive blood alcohol content under section 577.016;

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was [driving a motor] operating a vehicle or a vessel with a blood alcohol content of two-hundredths of one percent or more by weight; [or]

[(3)] (4) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe,

after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

~~[(4)]~~ **(5)** If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater; **or**

~~[(5)]~~ **(6)** If the person, while operating a [motor] vehicle, has been involved in a [motor vehicle] collision **or accident** which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in [chapter] **chapters 306 and 307**, or similar provisions contained in county or municipal ordinances[; or] .

~~[(6)]~~ If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in section 565.002.]

The test shall be administered at the direction of the law enforcement officer whenever the person has been [arrested or] stopped, **detained, or arrested** for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same **stop, detention, arrest, incident or charge.**

3. **To be considered valid**, chemical analysis of the person's breath, blood, saliva, or urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be performed, according to methods approved by the state department of health and senior services, by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

4. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be [considered valid] **used in the chemical test** pursuant to the provisions of sections 577.019 to 577.041 [and] . **The department shall also** establish standards to ascertain the qualifications and competence of individuals to conduct **such** analyses and [to] issue permits which shall be subject to termination or revocation by the state department of health and senior services.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
- (2) The time of the collection of the blood [or] , breath [sample] , or urine **sample** analyzed;
- (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
- (4) The type and status of any permit which was held by the person who performed the test;

(5) If the test was administered by means of a breath-testing instrument, the date [of performance] of the most recent [required] maintenance of such instrument. Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at [either] any trial of such person for [either] a violation of any state law or county or municipal ordinance, [or] **and at** any license revocation or suspension proceeding **held** pursuant to the provisions of chapter 302.]

[577.037. CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF. — 1. Upon the trial of any person for [violation of any of the provisions of section 565.024, or section 565.060, or section 577.010 or 577.012, or upon the trial of any criminal action] **any criminal offense** or violations of county or municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, arising out of acts alleged to have been committed by any person while [driving] **operating** a motor vehicle, **vessel, or aircraft, or acting as a flight crew member of any aircraft**, while in an intoxicated condition **or with an excessive blood alcohol content**, the amount of alcohol in the person's blood at the time of the act [alleged] , as shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. [If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.]

2. **If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an excessive blood alcohol content shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted:**

(1) **There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;**

(2) **There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or**

(3) **There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.**

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

[3.] 4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

[4.] 5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection [1] 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.

[5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health and senior services demonstrate that there was less than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.]]

[577.041. REFUSAL TO SUBMIT TO CHEMICAL TEST — ADMISSIBILITY — REQUEST TO INCLUDE REASONS AND EFFECT OF REFUSAL. — 1. If a person [under arrest, or who has been stopped pursuant to] **detrained, stopped, or arrested under subdivision [(2) or] (3) **or (4)** of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in [a] any proceeding [pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012] **related to the acts resulting in such detention, stop, or arrest.****

2. The request of the officer **to submit to any chemical test** shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person [and that the person's] . **If such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall further be informed that his or her license shall be immediately revoked upon refusal to take the test.**

3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. [In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.]]

[579.060. UNLAWFUL SALE, DISTRIBUTION, OR PURCHASE OF OVER-THE-COUNTER METHAMPHETAMINE PRECURSOR DRUGS — VIOLATION, PENALTY. —

1. A person commits the offense of unlawful sale or distribution of over-the-counter methamphetamine precursor drugs if he or she:

(1) Knowingly sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Knowingly dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

(3) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale or distribution of over-the-counter methamphetamine precursor drugs if he or she:

(1) Knowingly sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three

and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Knowingly fails to submit information under subsection 13 of section 195.017 and subsection 5 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Knowingly fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Knowingly sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale or distribution of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.]

[[195.130.] 579.105. KEEPING OR MAINTAINING A PUBLIC NUISANCE — VIOLATION, PENALTY.. — 1. [Any room, building, structure or inhabitable structure as defined in section 569.010 which is used for the illegal use, keeping or selling of controlled substances is a "public nuisance". No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for the illegal use, keeping or selling of controlled substances, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance.]

A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:

(1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or

(2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building,

structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the [crime] **offense** of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

3. The offense of keeping or maintaining a public nuisance is a class E felony.

[5.] **4.** Upon the conviction of the owner pursuant to subsection [4] **2** of this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.]

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 160.261, 167.115, 167.171, 188.030, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 476.055, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001, 577.010, 577.020, 577.037, and 577.041, the enactment of sections 197.1036, 545.940, 577.013, 579.060, and 579.105, and the first appearance of the repeal of sections 195.130, 476.055, 566.135, and 660.315 of this act shall become effective on January 1, 2017.

Approved July 8, 2014

HB 1372 [HB 1372]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Prohibits protest activities at funeral services

AN ACT to repeal sections 578.501, 578.502, and 578.503, RSMo, and to enact in lieu thereof one new section relating to protest activities at funeral services, with penalty provisions.

SECTION

- A. Enacting clause.
- 574.160. Unlawful funeral protest, offense of — definitions — violation, penalty.
- 578.501. Funeral protests prohibited, when — citation of law — definitions.
- 578.502. Funeral protests prohibited, when — funeral defined.
- 578.503. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 578.501, 578.502, and 578.503, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 574.160, to read as follows:

574.160. UNLAWFUL FUNERAL PROTEST, OFFENSE OF — DEFINITIONS — VIOLATION, PENALTY. — **1. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one**

hour before or one hour after the conducting of any actual funeral or burial service at that place.

2. For purposes of this section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

3. For purposes of this section, "funeral" and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any three hundred foot zone that is established under subsection 1 of this section.

4. The offense of unlawful funeral protest is a class B misdemeanor, unless committed by a person who has previously been found guilty of a violation of this section, in which case it is a class A misdemeanor.

[578.501. FUNERAL PROTESTS PROHIBITED, WHEN — CITATION OF LAW — DEFINITIONS. — 1. This section shall be known as "Sp. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For the purposes of this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.]

[578.502. FUNERAL PROTESTS PROHIBITED, WHEN — FUNERAL DEFINED. — 1. This section shall be known as "Sp. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For purposes of this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.]

[578.503. CONTINGENT EFFECTIVE DATE. — The enactment of section 578.502 shall become effective only on the date the provisions of section 578.501 are finally declared void or unconstitutional by a court of competent jurisdiction and upon notification by the attorney general to the revisor of statutes.]

Approved June 20, 2014

HB 1376 [HCS HB 1376]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the law regarding secured transactions under the Uniform Commercial Code

AN ACT to repeal sections 400.9-102, 400.9-105, 400.9-311, 400.9-317, 400.9-326, 400.9-503, 400.9-507, 400.9-516, 400.9-607, 400.9-802, 400.9-805, 400.9-806, and 400.2A-103, RSMo, and to enact in lieu thereof thirteen new sections relating to secured transactions.

SECTION

- A. Enacting clause.
- 400.9-102. Definitions and index of definitions.
- 400.9-105. Control of electronic chattel paper.
- 400.9-311. Perfection of security interests in property subject to certain statutes, regulations, and treaties.
- 400.9-317. Interests that take priority over or take free of security interest or agricultural lien.
- 400.9-326. Priority of security interests created by new debtor.
- 400.9-503. Name of debtor and secured party.
- 400.9-507. Effect of certain events on effectiveness of financing statement.
- 400.9-516. What constitutes filing — effectiveness of filing.
- 400.9-607. Collection and enforcement by secured party.
- 400.9-802. Savings clause.
- 400.9-805. Effectiveness of action taken before effective date.
- 400.9-806. When initial financing statement suffices to continue effectiveness of financing statement.
- 400.2A-103. Definitions and index of definitions.

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

SECTION A. ENACTING CLAUSE. — Sections 400.9-102, 400.9-105, 400.9-311, 400.9-317, 400.9-326, 400.9-503, 400.9-507, 400.9-516, 400.9-607, 400.9-802, 400.9-805, 400.9-806, and 400.2A-103, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 400.9-102, 400.9-105, 400.9-311, 400.9-317, 400.9-326, 400.9-503, 400.9-507, 400.9-516, 400.9-607, 400.9-802, 400.9-805, 400.9-806, and 400.2A-103, to read as follows:

400.9-102. DEFINITIONS AND INDEX OF DEFINITIONS.—(a) In this article:

- (1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost;
- (2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card;
- (3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper;
- (4) "Accounting", except as used in "accounting for", means a record:
 - (A) Authenticated by a secured party;
 - (B) Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five days earlier or thirty-five days later than the date of the record; and
 - (C) Identifying the components of the obligations in reasonable detail;
- (5) "Agricultural lien" means an interest, other than a security interest, in farm products:
 - (A) Which secures payment or performance of an obligation for:

- (i) Goods or services furnished in connection with a debtor's farming operation; or
 - (ii) Rent on real property leased by a debtor in connection with its farming operation;
 - (B) Which is created by statute in favor of a person that:
 - (i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or
 - (ii) Leased real property to a debtor in connection with the debtor's farming operation; and
 - (C) Whose effectiveness does not depend on the person's possession of the personal property;
 - (6) "As-extracted collateral" means:
 - (A) Oil, gas, or other minerals that are subject to a security interest that:
 - (i) Is created by a debtor having an interest in the minerals before extraction; and
 - (ii) Attaches to the minerals as extracted; or
 - (B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction;
 - (7) "Authenticate" means:
 - (A) To sign; or
 - (B) With the present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process;
 - (8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies;
 - (9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like;
 - (10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral;
 - (11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper;
 - (12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:
 - (A) Proceeds to which a security interest attaches;
 - (B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and
 - (C) Goods that are the subject of a consignment;
 - (13) "Commercial tort claim" means a claim arising in tort with respect to which:
 - (A) The claimant is an organization; or
 - (B) The claimant is an individual and the claim:
 - (i) Arose in the course of the claimant's business or profession; and
 - (ii) Does not include damages arising out of personal injury to or the death of an individual;
 - (14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer;
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- (15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:
- (A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or
 - (B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer;
- (16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books;
- (17) "Commodity intermediary" means a person that:
- (A) Is registered as a futures commission merchant under federal commodities law; or
 - (B) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law;
- (18) "Communicate" means:
- (A) To send a written or other tangible record;
 - (B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or
 - (C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule;
- (19) "Consignee" means a merchant to which goods are delivered in a consignment;
- (20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:
- (A) The merchant:
 - (i) Deals in goods of that kind under a name other than the name of the person making delivery;
 - (ii) Is not an auctioneer; and
 - (iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;
 - (B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;
 - (C) The goods are not consumer goods immediately before delivery; and
 - (D) The transaction does not create a security interest that secures an obligation;
- (21) "Consignor" means a person that delivers goods to a consignee in a consignment;
- (22) "Consumer debtor" means a debtor in a consumer transaction;
- (23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes;
- (24) "Consumer-goods transaction" means a consumer transaction in which:
- (A) An individual incurs an obligation primarily for personal, family, or household purposes; and
 - (B) A security interest in consumer goods secures the obligation;
- (25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes;
- (26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions;
- (27) "Continuation statement" means an amendment of a financing statement which:
- (A) Identifies, by its file number, the initial financing statement to which it relates; and
 - (B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement;
- (28) "Debtor" means:
- (A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

- (B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or
- (C) A consignee;
- (29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument;
- (30) "Document" means a document of title or a receipt of the type described in section 400.7-201(2);
- (31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium;
- (32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property;
- (33) "Equipment" means goods other than inventory, farm products, or consumer goods;
- (34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:
 - (A) Crops grown, growing, or to be grown, including:
 - (i) Crops produced on trees, vines, and bushes; and
 - (ii) Aquatic goods produced in aquacultural operations;
 - (B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;
 - (C) Supplies used or produced in a farming operation; or
 - (D) Products of crops or livestock in their unmanufactured states;
- (35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation;
- (36) "File number" means the number assigned to an initial financing statement pursuant to section 400.9-519(a);
- (37) "Filing office" means an office designated in section 400.9-501 as the place to file a financing statement;
- (38) "Filing-office rule" means a rule adopted pursuant to section 400.9-526;
- (39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement;
- (40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying section 400.9-502(a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures;
- (41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law;
- (42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software;
- (43) "Good faith" means honesty in fact;
- (44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments,

investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction;

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States;

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided or to be provided;

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card;

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process, or materials used or consumed in a business;

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account;

(50) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized;

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit;

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment;

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code;

(54) "Manufactured-home transaction" means a secured transaction:

(A) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral;

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation;

(56) "New debtor" means a person that becomes bound as debtor under section 400.9-203(d) by a security agreement previously entered into by another person;

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation;

(58) "Noncash proceeds" means proceeds other than cash proceeds;

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit;

(60) "Original debtor", except as used in section 400.9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under section 400.9-203(d);

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation;

(62) "Person related to", with respect to an individual, means:

(A) The spouse of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse; or

(D) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual;

(63) "Person related to", with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) The spouse of an individual described in subparagraph (A), (B), or (C); or

(E) An individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual;

(64) "Proceeds", except as used in section 400.9-609(b), means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral;

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds;

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 400.9-620, 400.9-621 and 400.9-622;

(67) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization;

(68) "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation;

(69) "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form;

(70) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state;

(71) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either;

(72) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under sections 400.2-401, 400.2-505, 400.2-711(3), 400.2A-508(5), 400.4-210 or 400.5-118;

(73) "Security agreement" means an agreement that creates or provides for a security interest;

(74) "Send", in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A);

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods;

(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property;

(78) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium;

(79) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective;

(80) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) "**Control**" as provided in section 400.8-106 and the following definitions in other articles apply to this article:

"Applicant"	Section 400.5-102.
"Beneficiary"	Section 400.5-102.
"Broker"	Section 400.8-102.
"Certificated security"	Section 400.8-102.
"Check"	Section 400.3-104.
"Clearing corporation"	Section 400.8-102.
"Contract for sale"	Section 400.2-106.
"Customer"	Section 400.4-104.
"Entitlement holder"	Section 400.8-102.
"Financial asset"	Section 400.8-102.
"Holder in due course"	Section 400.3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right)	Section 400.5-102.
"Issuer" (with respect to a security)	Section 400.8-201.
"Lease "	Section 400.2A-103.
"Lease agreement"	Section 400.2A-103.
"Lease contract"	Section 400.2A-103.
"Leasehold interest"	Section 400.2A-103.
"Lessee"	Section 400.2A-103.
"Lessee in ordinary course of business"	Section 400.2A-103.
"Lessor"	Section 400.2A-103.
"Lessor's residual interest"	Section 400.2A-103.
"Letter of credit"	Section 400.5-102.
"Merchant"	Section 400.2-104.
"Negotiable instrument"	Section 400.3-104.
"Nominated person"	Section 400.5-102.
"Note"	Section 400.3-104.
"Proceeds of a letter of credit"	Section 400.5-114.
"Prove"	Section 400.3-103.
"Sale"	Section 400.2-106.
"Securities account"	Section 400.8-501.
"Securities intermediary"	Section 400.8-102.
"Security"	Section 400.8-102.
"Security certificate"	Section 400.8-102.

"Security entitlement" Section 400.8-102.

"Uncertificated security" Section 400.8-102.

(c) This section contains general definitions and principles of construction and interpretation applicable throughout sections 400.9-103 to [400.9-708] **400.9-809**.

400.9-105. CONTROL OF ELECTRONIC CHATTEL PAPER. — (a) A secured party has control of electronic chattel paper if **a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.**

(b) **A system satisfies subsection (a) if** the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) The authoritative copy identifies the secured party as the assignee of the record or records;

(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

(4) Copies or [revisions] **amendments** that add or change an identified assignee of the authoritative copy can be made only with the [participation] **consent** of the secured party;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any [revision] **amendment** of the authoritative copy is readily identifiable as [an] authorized or unauthorized [revision].

400.9-311. PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES. — (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 400.9-310(a);

(2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

(3) A [certificate-of-title] statute of another jurisdiction which provides for a security interest to be indicated on [the] **a certificate of title** as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

400.9-317. INTERESTS THAT TAKE PRIORITY OVER OR TAKE FREE OF SECURITY INTEREST OR AGRICULTURAL LIEN. — (a) A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under section 400.9-322; and
(2) Except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in section 400.9-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, documents, goods, instruments, or a [security certificate] **certificated security** takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) A licensee of a general intangible or a buyer, other than a secured party, of collateral other than tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Except as otherwise provided in sections 400.9-320 and 400.9-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

400.9-326. PRIORITY OF SECURITY INTERESTS CREATED BY NEW DEBTOR. — (a) Subject to subsection (b), a security interest that is created by a new debtor in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that would be [effective] **ineffective** to perfect the security interest but for the application of section **400.9-316(i)(1)** or 400.9-508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement.

(b) The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements described in subsection (a). However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

400.9-503. NAME OF DEBTOR AND SECURED PARTY. — (a) A financing statement sufficiently provides the name of the debtor:

(1) Except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) Subject to subsection (f), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) If the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) Provides, as the name of the debtor:

(i) If the organic record of the trust specifies a name for the trust, the name specified; or

(ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

- (B) In a separate part of the financing statement:
- (i) If the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in a trust; or
 - (ii) If the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;
- (4) Subject to subsection (g), if the debtor is an individual to whom this state has issued a driver's license **or nondriver's license** that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license **or nondriver's license**;
- (5) If the debtor is an individual to whom paragraph (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and
- (6) In other cases:
- (A) If the debtor has a name, only if the financing statement provides the organizational name of the debtor; and
 - (B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.
- (b) A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:
- (1) A trade name or other name of the debtor; or
 - (2) Unless required under subsection [(a)(4)(B)] **(a)(6)(B)**, names of partners, members, associates, or other persons comprising the debtor.
- (c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.
- (d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.
- (e) A financing statement may provide the name of more than one debtor and the name of more than one secured party.
- (f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the name of the decedent under subsection (a)(2).
- (g) If this state has issued to an individual more than one driver's license **or nondriver's license** of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.
- (h) In this section, the name of the settlor or testator means:
- (1) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or
 - (2) In other cases, the name of the settlor or testator indicated in the trust's organic record.

400.9-507. EFFECT OF CERTAIN EVENTS ON EFFECTIVENESS OF FINANCING STATEMENT.

- (a) A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.
- (b) Except as otherwise provided in subsection (c) and section 400.9-508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under section 400.9-506.
- (c) If [a debtor so changes its] **the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under section 400.9-503(a) so that the financing statement becomes** seriously misleading under section 400.9-506:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four months after, the [change] **filed financing statement becomes seriously misleading**; and

(2) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the [change] **filed financing statement becomes seriously misleading**, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within four months after the [change] **financing statement became seriously misleading**.

400.9-516. WHAT CONSTITUTES FILING — EFFECTIVENESS OF FILING. — (a) Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) An amount equal to or greater than the applicable filing fee is not tendered;

(3) The filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) In the case of an amendment or [correction] **information** statement, the record:

(i) Does not identify the initial financing statement as required by section 400.9-512 or 400.9-518, as applicable; or

(ii) Identifies an initial financing statement whose effectiveness has lapsed under section 400.9-515;

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's [last name] **surname**; or

(D) In the case of a record filed or recorded in the filing office described in section 400.9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates;

(4) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) Provide a mailing address for the debtor; or

(B) Indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(6) In the case of an assignment reflected in an initial financing statement under section 400.9-514(a) or an amendment filed under section 400.9-514(b), the record does not provide a name and mailing address for the assignee; or

(7) In the case of a continuation statement, the record is not filed within the six-month period prescribed by section 400.9-515(d).

(c) For purposes of subsection (b):

(1) A record does not provide information if the filing office is unable to read or decipher the information; and

(2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by section 400.9-512, 400.9-514 or 400.9-518, is an initial financing statement.

(d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

400.9-607. COLLECTION AND ENFORCEMENT BY SECURED PARTY. — (a) If so agreed, and in any event after default, a secured party:

(1) May notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(2) May take any proceeds to which the secured party is entitled under section 400.9-315;

(3) May enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(4) If it holds a security interest in a deposit account perfected by control under section 400.9-104(a)(1), may apply the balance of the deposit account to the obligation secured by the deposit account; and

(5) If it holds a security interest in a deposit account perfected by control under section 400.9-104(a)(2) or (3), may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

(b) If necessary to enable a secured party to exercise under subsection (a)(3) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

(1) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(2) The secured party's sworn affidavit in recordable form stating that:

(A) A default has occurred **with respect to the obligation secured by the mortgage**; and

(B) The secured party is entitled to enforce the mortgage nonjudicially.

(c) A secured party shall proceed in a commercially reasonable manner if the secured party:

(1) Undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(2) Is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

(d) A secured party may deduct from the collections made pursuant to subsection (c) reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

(e) This section does not determine whether an account debtor, bank, or other person obligated on collateral owes a duty to a secured party.

400.9-802. SAVINGS CLAUSE. — (a) Except as otherwise provided in this part, this act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created [before this act takes effect on July 1, 2013] **prior to August 28, 2013.**

(b) This act does not affect an action, case, or proceeding commenced before this act takes effect.

400.9-805. EFFECTIVENESS OF ACTION TAKEN BEFORE EFFECTIVE DATE. — (a) The filing of a financing statement before this act takes effect is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under article 9 as amended by this act.

(b) This act does not render ineffective an effective financing statement that, before this act takes effect, is filed and satisfies the applicable requirements for perfection under the law of the

jurisdiction governing perfection as provided in article 9 as it existed before amendment. However, except as otherwise provided in subsections (c) and (d) and section 400.9-806, the financing statement ceases to be effective:

(1) If the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had this act not taken effect; or

(2) If the financing statement is filed in another jurisdiction, at the earlier of:

(A) The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(B) [June 30, 2018] **August 27, 2018.**

(c) The filing of a continuation statement after this act takes effect does not continue the effectiveness of a financing statement filed before this act takes effect. However, upon the timely filing of a continuation statement after this act takes effect and in accordance with the law of the jurisdiction governing perfection as provided in article 9 as amended by this act, the effectiveness of a financing statement filed in the same office in that jurisdiction before this act takes effect continues for the period provided by the law of that jurisdiction.

(d) Subsection (b)(2)(B) applies to a financing statement that, before this act takes effect, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in article 9 as it existed before amendment, only to the extent that article 9 as amended by this act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(e) A financing statement that includes a financing statement filed before this act takes effect and a continuation statement filed after this act takes effect is effective only to the extent that it satisfies the requirements of Part 5 as amended by this act for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of section 400.9-503(a)(2) as amended by this act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of section 400.9-503(a)(3) as amended by this act.

400.9-806. WHEN INITIAL FINANCING STATEMENT SUFFICES TO CONTINUE EFFECTIVENESS OF FINANCING STATEMENT. — (a) The filing of an initial financing statement in the office specified in section 400.9-501 continues the effectiveness of a financing statement filed before this act takes effect if:

(1) The filing of an initial financing statement in that office would be effective to perfect a security interest under article 9 as amended by this act;

(2) The pre-effective-date financing statement was filed in an office in another state; and

(3) The initial financing statement satisfies subsection (c).

(b) The filing of an initial financing statement under subsection (a) continues the effectiveness of the pre-effective-date financing statement:

(1) If the initial financing statement is filed before this act takes effect, for the period provided in unamended section 400.9-515 with respect to an initial financing statement; [or] **and**

(2) If the initial financing statement is filed after this act takes effect, for the period provided in section 400.9-515 as amended by this act with respect to an initial financing statement.

(c) To be effective for purposes of subsection (a), an initial financing statement must:

(1) Satisfy the requirements of section 400.9-500, et. seq., as amended by this act for an initial financing statement;

(2) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

- (3) Indicate that the pre-effective-date financing statement remains effective.

400.2A-103. DEFINITIONS AND INDEX OF DEFINITIONS. — (1) In this article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for option to renew or buy, do not exceed fifty thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) the lessor does not select, manufacture, or supply the goods;

(ii) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) one of the following occurs:

(A) the lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) the lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) the lessor (aa) informs the lessee in writing of the identity of the supplier, unless the lessee has selected the supplier and directed the lessor to purchase the goods from the supplier, (bb) informs the lessee in writing that the lessee may have rights under the contract evidencing the lessor's purchase of the goods, and (cc) advised the lessee in writing to contact the supplier for a description of any such rights, or

(D) the lease contract discloses all warranties and other rights provided to the lessee by the lessor and supplier in connection with the lease contract and informs the lessee that there are no warranties or other rights provided to the lessee by the lessor and supplier other than those disclosed in the lease contract.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures as defined in Section 400.2A-309, but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or

creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this article and the sections in which they appear are:

"Accessions".	Section 400.2A-310(1).
"Construction mortgage".	Section 400.2A-309(1)(d).
"Encumbrance".	Section 400.2A-309(1)(e).
"Fixtures".	Section 400.2A-309(1)(a).
"Fixture filing".	Section 400.2A-309(1)(b).
"Purchase money lease".	Section 400.2A-309(1)(c).

(3) The following definitions in other articles apply to this article:

"Account".	Section 400.9-102(a)(2).
"Between merchants".	Section 400.2-104(3).
"Buyer".	Section 400.2-103(1)(a).
"Chattel paper".	Section 400.9-102(a)(10).
"Consumer goods".	Section 400.9-102(a)(22).
"Document".	Section 400.9-102(a)(29).
"Entrusting".	Section 400.2-403(3).
"General intangible".	Section 400.9-102(a)(41).
"Good faith".	Section 400.2-103(1)(b).
"Instrument".	Section 400.9-102(a)(46).
"Merchant".	Section 400.2-104(1).
"Mortgage".	Section 400.9-102(a)(54).
"Pursuant to commitment".	Section 400.9-102(a)[(67)] (68) .
"Receipt".	Section 400.2-103(1)(c).
"Sale".	Section 400.2-106(1).
"Sale on approval".	Section 400.2-326.
"Sale or return".	Section 400.2-326.
"Seller".	Section 400.2-103(1)(d).

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Approved June 4, 2014

HB 1389 [HCS HB 1389]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Implementation of a state authorization reciprocity agreement for distance education

AN ACT to repeal sections 173.030 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to state authorization of reciprocity agreements for distance education.

SECTION

173.030. Additional responsibilities.

174.450. Board of governors to be appointed for certain public institutions of higher education, qualifications, terms — change in congressional districts, effect of.

Be it enacted by the General Assembly of the state of Missouri, as follows: Section A. Sections 173.030 and 174.450, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 173.030 and 174.450, to read as follows:

173.030. ADDITIONAL RESPONSIBILITIES. — The coordinating board, in addition, shall have responsibility, within the provisions of the constitution and the statutes of the state of Missouri, for:

(1) Requesting the governing boards of all state-supported institutions of higher education, and of major private institutions to submit to the coordinating board any proposed policy changes which would create additional institutions of higher education, additional residence centers, or major additions in degree and certificate programs, and make pertinent recommendations relating thereto;

(2) Recommending to the governing board of any institution of higher education in the state the development, consolidation, or elimination of programs, degree offerings, physical facilities

or policy changes where that action is deemed by the coordinating board as in the best interests of the institutions themselves and/or the general requirements of the state. Recommendations shall be submitted to governing boards by twelve months preceding the term in which the action may take effect;

(3) Recommending to the governing boards of state-supported institutions of higher education, including public community colleges receiving state support, formulas to be employed in specifying plans for general operations, for development and expansion, and for requests for appropriations from the general assembly. Such recommendations will be submitted to the governing boards by April first of each year preceding a regular session of the general assembly of the state of Missouri;

(4) Promulgating rules to include selected off-campus instruction in public college and university appropriation recommendations where prior need has been established in areas designated by the coordinating board for higher education. Funding for such off-campus instruction shall be included in the appropriation recommendations, shall be determined by the general assembly and shall continue, within the amounts appropriated therefor, unless the general assembly disapproves the action by concurrent resolution;

(5) Coordinating reciprocal agreements between or among Missouri state institutions of higher education at the request of one or more of the institutions party to the agreement, and between or among Missouri state institutions of higher education and publicly supported higher education institutions located outside the state of Missouri at the request of any Missouri institution party to the agreement;

(6) Entering into agreements for interstate reciprocity regarding the delivery of postsecondary distance education, administering such agreements, and approving or disapproving applications to participate in such agreements from a postsecondary institution that has its principal campus in the state of Missouri:

(a) The coordinating board shall establish standards for institutional approval. Those standards shall include, but are not limited to the:

a. Definition of physical presence for non-Missouri institutions serving Missouri residents consistent with other states' definitions of physical presence; and

b. Establishment of consumer protection policies for distance education addressing recruitment and marketing activities; disclosure of tuition, fees, and other charges; disclosure of admission processes and procedures; and student complaints;

(b) The coordinating board shall establish policies for the review and resolution of student complaints arising from distance education programs offered under the agreement;

(c) The coordinating board may charge fees to any institution that applies to participate in an interstate postsecondary distance education reciprocity agreement authorized pursuant to this section. Such fees shall not exceed the coordinating board for higher education's cost of reviewing and evaluating the applications; and

(d) The coordinating board shall promulgate rules to implement the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void;

(7) Administering the nurse training incentive fund;

[(7)] (8) Conducting, in consultation with each public four-year institution's governing board and the governing board of technical colleges and community colleges, a review every five years of the mission statements of the institutions comprising Missouri's system of public higher

education. This review shall be based upon the needs of the citizens of the state as well as the requirements of business, industry, the professions and government. The purpose of this review shall be to ensure that Missouri's system of higher education is responsive to the state's needs and is focused, balanced, cost-effective, and characterized by programs of high quality as demonstrated by student performance and program outcomes. As a component of this review, each institution shall prepare, in a manner prescribed by the coordinating board, a mission implementation plan for the coordinating board's consideration and approval. If the coordinating board determines that an institution has qualified for a mission change or additional targeted resources pursuant to review conducted under this subdivision and subdivision [(8)] (9) of this subsection, the coordinating board shall submit a report to the general assembly that outlines the proposed mission change or targeted state resources. No change of mission for an institution under this subdivision establishing a statewide mission shall become effective until the general assembly approves the proposed mission change by concurrent resolution, except for the institution defined pursuant to subdivision (1) of section 174.010, and has been approved by the coordinating board and the institutions for which the coordinating board has recommended a statewide mission prior to August 28, 1995. The effective date of any mission change under this subdivision shall be the first day of July immediately following the approval of the concurrent resolution by the general assembly as required under this subdivision, and shall be August 28, 1995, for any institution for which the coordinating board has recommended a statewide mission which has not yet been implemented on such date. Nothing in this subdivision shall preclude an institution from initiating a request to the coordinating board for a revision of its mission; and

[(8)] (9) Reviewing applications from institutions seeking a statewide mission. Such institutions shall provide evidence to the coordinating board that they have the capacity to discharge successfully such a mission. Such evidence shall consist of the following:

(a) That the institution enrolls a representative cross-section of Missouri students. Examples of evidence for meeting this requirement which the institution may present include, but are not limited to, the following: enrolling at least forty percent of its Missouri resident, first-time degree-seeking freshmen from outside its historic statutory service region; enrolling its Missouri undergraduate students from at least eighty percent of all Missouri counties; or enrolling one or more groups of special population students such as minorities, economically disadvantaged, or physically disadvantaged from outside its historic statutory service region at rates exceeding state averages of such populations enrolled in the higher educational institutions of this state;

(b) That the institution offers one or more programs of unusual strength which respond to a specific statewide need. Examples of evidence of meeting this requirement which the institution may present include, but are not limited to, the following: receipt of national, discipline-specific accreditation when available; receipt of independent certification for meeting national or state standards or requirements when discipline-specific accreditation is not available; for occupationally specific programs, placement rates significantly higher than average; for programs for which state or national licensure is required or for which state or national licensure or registration is available on a voluntary basis, licensure or registration rates for graduates seeking such recognition significantly higher than average; or quality of program faculty as measured by the percentage holding terminal degrees, the percentage writing publications in professional journals or other appropriate media, and the percentage securing competitively awarded research grants which are higher than average;

(c) That the institution has a clearly articulated admission standard consistent with the provisions of subdivision (4) of subsection 2 of section 173.005 or section 174.130;

(d) That the institution is characterized by a focused academic environment which identifies specific but limited areas of academic emphasis at the undergraduate, and if appropriate, at the graduate and professional school levels, including the identification of programs to be continued, reduced, terminated or targeted for excellence. The institution shall, consistent with its focused academic environment, also have the demonstrable capacity to provide significant public service or research support that address statewide needs for constituencies beyond its historic statutory service region; and

(e) That the institution has adopted and maintains a program of continuous quality improvement, or the equivalent of such a program, and reports annually appropriate and verifiable measures of institutional accountability related to such program. Such measures shall include, but not be limited to, indicators of student achievement and institutional mission attainment such as percentage of students meeting institutional admission standards; success of remediation programs, if offered; student retention rate; student graduation rate; objective measures of student, alumni, and employer satisfaction; objective measures of student learning in general education and the major, including written and oral communication skills and critical thinking skills; percentage of students attending graduate or professional schools; student placement, licensure and professional registration rates when appropriate to a program's objectives; objective measures of successful attainment of statewide goals as may be expressed from time to time by the coordinating board or by the general assembly; and objective measures of faculty teaching effectiveness. In the development and evaluation of these institutional accountability reports, the coordinating board and institutions are expected to use multiple measures of success, including nationally developed and verified as well as locally developed and independently verified assessment instruments; however, preference shall be given to nationally developed instruments when they are available and if they are appropriate. Institutions which serve or seek to serve a statewide mission shall be judged to have met the prerequisites for such a mission when they demonstrate to the coordinating board that they have met the criteria described in this subdivision. As a component of this process, each institution shall prepare, in a manner prescribed by the coordinating board, a mission implementation plan for the coordinating board's consideration and approval.

174.450. BOARD OF GOVERNORS TO BE APPOINTED FOR CERTAIN PUBLIC INSTITUTIONS OF HIGHER EDUCATION, QUALIFICATIONS, TERMS — CHANGE IN CONGRESSIONAL DISTRICTS, EFFECT OF. — 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of the University of Central Missouri, Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision [(7) or] (8) or (9) of section 173.030, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision [(7) or] (8) or (9) of section 173.030.

2. The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members, composed of nine voting members and one nonvoting member, who shall be appointed by the governor, by and with the advice and consent of the senate. The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055. At least one but no more than two voting members shall be appointed to the board from each congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years, except as provided in this subsection. The term of office for those appointed hereafter shall end January first in years ending in an odd number. For the six voting members' terms that expired in 2011, the successors shall be appointed in the following manner:

(1) Of the five voting members' terms that expired on August 28, 2011, one successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2013;

(2) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to terms that shall expire on January 1, 2015;

(3) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to a term that shall expire on January 1, 2017; and

(4) For the voting member's term that expired on January 1, 2011, the successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2017.

Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.

Approved June 19, 2014

HB 1410 [SCS HCS HB 1410]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding landlord-tenant actions

AN ACT to repeal sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, and to enact in lieu thereof seventeen new sections relating to landlord tenant actions.

SECTION

A. Enacting clause.

- 67.281. Installation of fire sprinklers to be offered to purchaser by builder of certain dwellings — purchaser may decline — expiration date.
- 441.005. Definitions.
- 441.500. Definitions.
- 441.760. Immediate removal of parties other than tenant, when — immediate removal of tenant or lessee, when.
- 441.770. Court-ordered eviction, when — court-ordered removal of third party from leased premises, when — expedited eviction order — stay of execution of eviction order, when.
- 512.180. Appeals from cases tried before associate circuit judge.
- 534.060. Before whom cognizable — centralized filing — assignment of cases.
- 534.350. Execution — when issued and levied.
- 534.360. Execution, when defendant is about to abscond.
- 534.380. Judgment stay for appeals.
- 535.030. Service of summons — court date included in summons.
- 535.110. Appeals, defendant to furnish bond to stay execution.
- 535.160. Tender of rent and costs on judgment date, effect — not bar to landlord's appeal — no stay of execution if no money judgment, exceptions.
- 535.170. Lessee barred from relief, when — appeal permitted, when.
- 535.200. Landlord-tenant court authorized in City of St. Louis, jurisdiction — landlord-tenant commissioners, powers and qualifications — landlord-tenant court procedures.
- 535.210. Landlord-tenant court authorized in Jackson County, jurisdiction — landlord-tenant commissioners, powers and qualifications — landlord-tenant court procedures.
- 569.130. Claim of right.

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

SECTION A. ENACTING CLAUSE. — Sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, to read as follows:

67.281. INSTALLATION OF FIRE SPRINKLERS TO BE OFFERED TO PURCHASER BY BUILDER OF CERTAIN DWELLINGS — PURCHASER MAY DECLINE — EXPIRATION DATE. —

1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. The provisions of this section shall expire on December 31, [2019] **2024**.

2. Any governing body of any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the language in section R317 of the 2006 International Residential Code for two-family dwellings (R317.1) and townhouses (R317.2).

441.005. DEFINITIONS. — Except as otherwise provided, when used in chapter 534, chapter 535, or this chapter, the following terms mean:

- (1) "**Landlord**", the owner or lessor of the premises or a person authorized by the owner to exercise any aspect of the management of the premises;
- (2) "Lease", a written or oral agreement for the use or possession of premises;

~~[(2)]~~ **(3)** "Lessee", any person who leases premises from another~~], and any person residing on the premises with the lessee's permission]~~ **to the exclusion of others during the rental or lease period and who is obligated to pay rent;**

~~[(3)]~~ **(4)** "Premises", land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. "Premises" include structures, fixed or mobile, temporary or permanent, vessels, manufactured homes as defined in section 700.010, mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage;

~~[(4)]~~ **(5)** "Rent", a stated payment for the temporary possession or use of a house, land or other real property, made at fixed intervals by a tenant **or lessee** to a landlord;

(6) "Tenant", a person who occupies the premises with the landlord's consent.

441.500. DEFINITIONS. — As used in sections 441.500 to 441.643, the following terms mean:

(1) "Abatement", the removal or correction, including demolition, of any condition at a property that violates the provisions of any duly enacted building or housing code, as well as the making of such other improvements or corrections as are needed to effect the rehabilitation of the property or structure, including the closing or physical securing of the structure;

(2) "Agent", a person authorized by an owner to act for him;

(3) "Code enforcement agency", the official, agency, or board that has been delegated the responsibility for enforcing the housing code by the governing body;

(4) "Community", any county or municipality;

(5) "County", any county in the state;

(6) "Dwelling unit", premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;

(7) "Governing body", the board, body or persons in which the powers of a community are vested;

(8) "Housing code", a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;

(9) "Local housing corporation", a not-for-profit corporation organized pursuant to the laws of the state of Missouri for the purpose of promoting housing development and conservation within a specified area of a municipality or an unincorporated area;

(10) "Municipality", any incorporated city, town, or village;

(11) "Neighborhood association", any group of persons organized for the sole purpose of improvement of a particular geographic area having specific boundaries within a municipality, provided that such association is recognized by the municipality as the sole association for such purpose within such geographic area;

(12) "Notice of deficiency", a notice or other order issued by the code enforcement agency and requiring the elimination or removal of deficiencies found to exist under the housing code;

(13) "Nuisance", a violation of provisions of the housing code applying to the maintenance of the buildings or dwellings which the code official in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare;

(14) "Occupant", any person **lawfully** occupying a dwelling unit as his or her place of residence, **either as a tenant or a lessee**, whether or not that person is occupying the dwelling unit as a tenant from month to month or under a written lease, undertaking or other agreement;

(15) "Owner", the record owner or owners, and the beneficial owner or owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit;

(16) "Person", any individual, corporation, association, partnership, or other entity.

441.760. IMMEDIATE REMOVAL OF PARTIES OTHER THAN TENANT, WHEN — IMMEDIATE REMOVAL OF TENANT OR LESSEE, WHEN. — 1. If the plaintiff has met its burden of proof for a complete eviction but the tenant successfully pleads an affirmative defense to the eviction pursuant to section 441.750, then the court shall not terminate the tenancy but shall order the immediate removal of any person who the court finds conducted the drug-related activity which was the subject of the eviction proceeding.

2. If the plaintiff presents evidence that a person is not lawfully occupying a dwelling unit as either a tenant or a lessee, the court shall order the immediate removal of such person unlawfully occupying the dwelling unit.

441.770. COURT-ORDERED EVICTION, WHEN — COURT-ORDERED REMOVAL OF THIRD PARTY FROM LEASED PREMISES, WHEN — EXPEDITED EVICTION ORDER — STAY OF EXECUTION OF EVICTION ORDER, WHEN. — 1. If the grounds for an eviction have been established pursuant to subsection 1 of section 441.740, the court shall order that the tenant be evicted from the leased property. **Following the order, the tenant shall have twenty-four hours to vacate the premises and the landlord shall subsequently have a right to reenter and take possession of the premises.**

2. If the grounds for a removal have been established pursuant to subsection 2 of section 441.740, the court shall order that those persons found to be engaging in the criminal activity described therein be immediately removed and barred from the leased property, but the court shall not order the tenancy be terminated.

3. The court may order the expedited execution of an eviction or removal order by requiring the order's enforcement by the appropriate agency within a specified number of days after final judgment.

4. The court may stay execution of an eviction or removal order for a reasonable length of time if the moving party establishes by clear and convincing evidence that immediate removal or eviction would pose a serious danger to the party and that this danger outweighs the safety, health and well-being of the surrounding community and of the plaintiff.

512.180. APPEALS FROM CASES TRIED BEFORE ASSOCIATE CIRCUIT JUDGE. — 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases tried before municipal court or under the provisions of [chapters] **chapter 482**, 534, and 535].

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

534.060. BEFORE WHOM COGNIZABLE — CENTRALIZED FILING — ASSIGNMENT OF CASES. — Forcible entries and detainers, and unlawful detainers, may be heard and determined by any associate circuit judge of the county in which they are committed. Neither the provisions of this section or any other section in this chapter shall preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular associate circuit or circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. Such cases shall be heard and determined by associate circuit

judges unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges [and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record]. **All cases under this chapter shall be heard on the record. Unless the plaintiff under subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges,** to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the [case is heard initially before an associate circuit judge who has been specially assigned to hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case was being heard upon an application for trial de novo, and in such instances, notwithstanding the specific references to chapter 517 in this chapter,] **plaintiff under subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges, the case shall be heard and determined under the rules of practice and procedure provided in the Missouri Rules of Civil Procedure [and the extant provisions of The Civil Code of Missouri shall apply] instead of those contained in chapter 517, notwithstanding the specific references to chapter 517 in this chapter.**

534.350. EXECUTION — WHEN ISSUED AND LEVIED. — The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for [the filing of an application for trial de novo or] the taking of an appeal, except as in the next succeeding section is provided.

534.360. EXECUTION, WHEN DEFENDANT IS ABOUT TO ABSCOND. — If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for [the filing of an application for a trial de novo or] taking an appeal.

534.380. JUDGMENT STAY FOR APPEALS. — Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided in chapter 512 **as in other civil cases.** Application for [a trial de novo or] appeal shall not stay execution for restitution of the premises unless the defendant gives bond within the time for appeal. The bond shall be for the amount of the judgment and with the condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the [trial de novo or] appeal, subject to the judge's discretion. However, in any case in which the defendant receives a reduction in rent due to a local, state or federal subsidy program, the amount of the bond shall be reduced by the amount of said subsidy. Execution other than for restitution shall be stayed if the defendant files a bond in the proper amount at such time as otherwise provided by law.

535.030. SERVICE OF SUMMONS — COURT DATE INCLUDED IN SUMMONS. — 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and

complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

535.110. APPEALS, DEFENDANT TO FURNISH BOND TO STAY EXECUTION. — Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided in chapter 512 **as in other civil cases**; but no application for [a trial de novo or] **an** appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the [trial de novo or] appeal.

535.160. TENDER OF RENT AND COSTS ON JUDGMENT DATE, EFFECT — NOT BAR TO LANDLORD'S APPEAL — NO STAY OF EXECUTION IF NO MONEY JUDGMENT, EXCEPTIONS. — If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial [but before any trial de novo] the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

535.170. LESSEE BARRED FROM RELIEF, WHEN — APPEAL PERMITTED, WHEN. — After the execution of any judgment for possession pursuant to this chapter, the lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee, shall be barred from reentry of such premises and from all relief, and except for error in the record or proceedings, the landlord shall from that day hold the demised premises discharged from the lease. Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo] recover any damage incurred, including damages incurred from an unlawful dispossession.

535.200. LANDLORD-TENANT COURT AUTHORIZED IN CITY OF ST. LOUIS, JURISDICTION — LANDLORD-TENANT COMMISSIONERS, POWERS AND QUALIFICATIONS — LANDLORD-TENANT COURT PROCEDURES. — 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of the city of St. Louis, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at city expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the

same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by the city of St. Louis.

535.210. LANDLORD-TENANT COURT AUTHORIZED IN JACKSON COUNTY, JURISDICTION — LANDLORD-TENANT COMMISSIONERS, POWERS AND QUALIFICATIONS — LANDLORD-TENANT COURT PROCEDURES. — 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson County providing for expenditure of county funds for such purpose, a majority of the circuit court judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of Jackson County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of Jackson County, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit court, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at county expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under

section 535.110. The procedures for perfecting the right of [a trial de novo or] **an** appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days from the date of service. [The sheriff] **Service** must [attempt to serve any summons] **be attempted** within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by Jackson County.

569.130. CLAIM OF RIGHT. — 1. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he **or she** does so under a claim of right and has reasonable grounds to believe he **or she** has such a right.

2. The defendant shall have the burden of injecting the issue of claim of right.

3. **No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling unit, or the facilities, equipment, or appurtenances thereof, may inject the issue of claim of right.**

Approved July 8, 2014

HB 1411 [SS SCS HB 1411]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires persons younger than 17 years of age using a tanning device in a tanning facility to have the parent or guardian of the minor give written consent in person to the minor's use of a tanning device

AN ACT to amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

SECTION

A. Enacting clause.

577.665. Minors, parental consent required, when — definitions — standard consent form — violations, penalty — contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Chapter 577, RSMo, is amended by adding thereto one new section, to be known as section 577.665, to read as follows:

577.665. MINORS, PARENTAL CONSENT REQUIRED, WHEN — DEFINITIONS — STANDARD CONSENT FORM — VIOLATIONS, PENALTY — CONTINGENT EFFECTIVE DATE. —

1. As used in this section, the following terms shall mean:

(1) "Tanning device", any equipment that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers used for tanning of the skin, including but not limited to a sunlamp, tanning booth or tanning bed;

(2) "Tanning facility", any location, place, area, structure, or business which provides persons access to any tanning device for a fee, membership dues, or any other form of compensation.

2. **Prior to any person less than seventeen years of age using a tanning device in a tanning facility, a parent or guardian of such person shall annually appear in person at**

the tanning facility and sign a written statement acknowledging that the parent or guardian has read and understands the warnings given by the tanning facility and consents to the person's use of a tanning device at the tanning facility.

3. The department of health and senior services shall, by rule, develop a standard consent form to be used by all tanning facilities operating in this state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

4. Any tanning facility that violates the provisions of this section shall be subject to a fine of one hundred dollars for a first violation, two hundred fifty dollars for a second violation, and five hundred dollars for each subsequent violation. Every use of a tanning device in a tanning facility in violation of this section is a separate offense.

5. The duties and penalties provided under this section shall not take effect or be enforced until the rule containing the standard consent form has been adopted pursuant to subsection 3 of this section.

Approved June 5, 2014

HB 1412 [HCS HB 1412]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies that it shall be a crime to intentionally file a fraudulent financing statement or any financing statement with the Secretary of State with the intent to harass or defraud any other person

AN ACT to repeal sections 400.9-501 and 400.9-516, RSMo, and to enact in lieu thereof two new sections relating to the filing of fraudulent documents, with penalty provisions.

SECTION

- A. Enacting clause.
- 400.9-501. Filing office.
- 400.9-516. What constitutes filing — effectiveness of filing.

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

SECTION A. ENACTING CLAUSE. — Sections 400.9-501 and 400.9-516, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 400.9-501 and 400.9-516, to read as follows:

400.9-501. FILING OFFICE. — (a) Except as otherwise provided in subsection (b), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) The collateral is as-extracted collateral or timber to be cut; or

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) The office of the secretary of state in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

(c) A person shall not knowingly or intentionally file, attempt to file, or record any document related to real property with a recorder of deeds under chapter 59 or a financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, with the intent that such document or statement be used to harass or defraud any other person or knowingly or intentionally file, attempt to file, or record such a document or statement that is materially false or fraudulent.

(1) A person who violates this subsection shall be guilty of a class D felony.

(2) If a person is convicted of a violation under this subsection, the court may order restitution.

(d) In the alternative to the provisions of sections 428.105 through 428.135, if a person files a false or fraudulent financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, a debtor named in that financing statement may file an action against the person that filed the financing statement seeking appropriate equitable relief, actual damages, or punitive damages, including, but not limited to, reasonable attorney fees.

400.9-516. WHAT CONSTITUTES FILING — EFFECTIVENESS OF FILING. — (a) Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) An amount equal to or greater than the applicable filing fee is not tendered;

(3) The filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) In the case of an amendment or correction statement, the record:

(i) Does not identify the initial financing statement as required by section 400.9-512 or 400.9-518, as applicable; or

(ii) Identifies an initial financing statement whose effectiveness has lapsed under section 400.9-515;

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name; or

(D) In the case of a record filed or recorded in the filing office described in section 400.9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates;

(4) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

- (A) Provide a mailing address for the debtor; or
- (B) Indicate whether the name provided as the name of the debtor is the name of an individual or an organization;
- (6) In the case of an assignment reflected in an initial financing statement under section 400.9-514(a) or an amendment filed under section 400.9-514(b), the record does not provide a name and mailing address for the assignee; [or]
- (7) In the case of a continuation statement, the record is not filed within the six-month period prescribed by section 400.9-515(d);
- (8) The secretary of state has reasonable cause to believe the record is materially false or fraudulent; or**
- (9) The record on its face reveals, based on factors such as whether the debtor and the secured party are substantially the same person, the individual debtor is a transmitting utility, or whether the collateral described is within the scope of this chapter, that the record is being filed for a purpose other than a transaction that is within the scope of this chapter. This includes a record that asserts a claim against a current or former employee or officer of a federal, state, county, or other local governmental unit that relates to the performance of the officer's or employee's public duties, and for which the filer does not hold a properly executed security agreement or judgment from a court of competent jurisdiction.**
- (c) For purposes of subsection (b):
- (1) A record does not provide information if the filing office is unable to read or decipher the information; [and]
- (2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by section 400.9-512, 400.9-514 or 400.9-518, is an initial financing statement; **and**
- (3) A document, instrument, or record shall be presumed to be materially false or fraudulent if the document, instrument, or record is filed by an offender or on behalf of an offender. This presumption may be rebutted by providing the secretary of state the original or a copy of a sworn and notarized document signed by the obligor, debtor, or owner of the property designated as collateral stating that the person entered into a security agreement with the offender and authorized the filing of the instrument as provided in section 400.9-509. For the purposes of this subdivision the term "offender" shall have the same definition as provided in section 217.010, except, it shall only include inmates in the custody of the department of corrections.**
- (d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.
- (e) In the alternative to the provisions of sections 428.105 through 428.135, if an information statement filed with the secretary of state under section 400.9-518 alleges that a previously filed record was wrongfully filed, the secretary of state shall, without undue delay, determine whether the contested record was wrongfully filed. To determine whether the record was wrongfully filed, the secretary of state may require the person who filed the information statement or the secured party to provide any additional relevant information, including an original or copy of a security agreement that is related to the record. If the secretary of state finds that the record was wrongfully filed, the secretary of state shall terminate the record and the record shall be void and ineffective. The secretary of state shall notify the secured party named in the contested record of the termination.**

Approved June 27, 2014

HB 1426 [HCS HB 1426]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Enacts provisions relating to the disclosure of personal identifying information during a disaster or emergency

AN ACT to amend chapter 44, RSMo, by adding thereto one new section relating to personal identifying information in disasters or emergencies.

SECTION

- A. Enacting clause.
44.035. Persons with health-related ailments, voluntary county registry for disasters or emergencies.

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

SECTION A. ENACTING CLAUSE. — Chapter 44, RSMo, is amended by adding thereto one new section, to be known as section 44.035, to read as follows:

44.035. PERSONS WITH HEALTH-RELATED AILMENTS, VOLUNTARY COUNTY REGISTRY FOR DISASTERS OR EMERGENCIES. — **Any county may create a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency. No name, address, or any other personal identifying information used in such a voluntary registry shall be deemed a public record under chapter 610. If a disaster or emergency occurs that involves any person listed on the registry, an incident report as defined in chapter 610.100 shall be made public.**

Approved July 3, 2014

HB 1454 [HB 1454]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding communications infrastructure deployment

AN ACT to repeal section 67.5098 as enacted by senate substitute for senate committee substitute for senate bill no. 650, ninety seventh general assembly, second regular session, and to enact in lieu thereof one new section relating to communications infrastructure deployment.

SECTION

- A. Enacting clause.
67.5098. Modification of structures, applicant requirements — authority's duties — court review, when.

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

SECTION A. ENACTING CLAUSE. — Section 67.5098 as enacted by senate substitute for senate committee substitute for senate bill no. 650, ninety seventh general assembly, second regular session, is repealed and one new section enacted in lieu thereof, to be known as section 67.5098, to read as follows:

67.5098. MODIFICATION OF STRUCTURES, APPLICANT REQUIREMENTS—AUTHORITY'S DUTIES—COURT REVIEW, WHEN.— 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to applications for substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that applies for a substantial modification of a wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within [ninety] **one hundred twenty** calendar days of receiving an application for a substantial modification of wireless support structures, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within [ninety] **one hundred twenty** calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the [ninety] **one hundred twenty** calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application for a substantial modification within the [ninety] **one hundred twenty** calendar days' review period specified under subsection 4 of this section, or within such additional time as may be mutually agreed to by an applicant and an authority, the application for a substantial modification shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction **within this state**.

Approved June 23, 2014

HB 1459 [HCS HB 1459]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes the Innovation Campus Tax Credit

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to the innovation campus tax credit.

SECTION

A. Enacting clause.
620.2600. Tax credit authorized — definitions — eligibility — rulemaking authority — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.2600, to read as follows:

620.2600. TAX CREDIT AUTHORIZED — DEFINITIONS — ELIGIBILITY — RULEMAKING AUTHORITY — SUNSET PROVISION. — **1. This section shall be known and may be cited as the "Innovation Campus Tax Credit Act".**

2. As used in this section, the following terms mean:

- (1) "Certificate", a tax credit certificate issued under this section;**
- (2) "Department", the Missouri department of economic development;**
- (3) "Eligible donation", donations received from a taxpayer by innovation campuses that are to be used solely for projects that advance learning in the areas of science, technology, engineering, and mathematics. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to the rules promulgated by the department of economic development;**

(4) "Innovation education campus" or "innovation campus", as defined in section 178.1100, an educational partnership consisting of at least one of each of the following entities:

- (a) A local Missouri high school or k-12 school district;**
- (b) A Missouri four-year public or private higher education institution;**
- (c) A Missouri-based business or businesses; and**
- (d) A Missouri two-year public higher education institution or state technical college of Missouri;**

(5) "Taxpayer", any of the following individuals or entities who make an eligible donation to any innovation campus:

- (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;**
- (b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;**
- (c) An insurance company paying an annual tax on its gross premium receipts in this state;**
- (d) Any other financial institution paying taxes to the state of Missouri or any political subdivisions of this state under chapter 148;**
- (e) An individual subject to the state income tax imposed in chapter 143;**
- (f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.**

3. For all taxable years beginning on or after January 1, 2015, a taxpayer shall be allowed a credit against the taxes otherwise due under chapter 147, 148, or 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, an innovation campus may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the innovation campus has submitted the following items:

(1) A valid application in the form and format required by the department;
 (2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the innovation campus; and

(3) Payment from the innovation campus equal to the value of the tax credit for which application is made. If the innovation campus applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

6. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire six years after the effective date of this act unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved July 7, 2014

HB 1490 [CCS#2 SS SCS HB 1490]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding academic performance and learning standards in elementary and secondary education

AN ACT to repeal sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education standards.

SECTION

A. Enacting clause.

160.514. Academic performance standards, adoption by state board, standards — procedure for adoption — development of written curriculum frameworks — adoption of written curriculum by boards of education.

160.516. Curriculum, textbooks, and other instructional materials not to be mandated by state board or department — exceptions — appendix to common core standards not to be required.

- 160.518. Statewide assessment system, standards, restriction — exemplary levels, outstanding school waivers — summary waiver of pupil testing requirements — waiver void, when — scores not counted, when — alternative assessments for special education students.
- 160.526. Development of academic standards, learning standards, and assessment system, criteria — assistance of experts — notification of implementation of system, legislative veto — professional advice and counsel.
- 160.820. Departments may contract with corporation for activities.
- 161.092. Powers and duties of state board.
- 161.096. Statewide longitudinal data system, regulation on student data accessibility, transparency, and accountability required — regulation requirements — data not to be reported — rulemaking authority — violation, penalty — attorney general to enforce.
- 161.855. Work groups to convene, members, recommendations — state board to adopt and implement standards, when — pilot assessments — certain persons performing work to be employees of the district.

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

SECTION A. ENACTING CLAUSE. — Sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.514, 160.516, 160.518, 160.526, 160.820, 161.092, 161.096, and 161.855, to read as follows:

160.514. ACADEMIC PERFORMANCE STANDARDS, ADOPTION BY STATE BOARD, STANDARDS — PROCEDURE FOR ADOPTION — DEVELOPMENT OF WRITTEN CURRICULUM FRAMEWORKS — ADOPTION OF WRITTEN CURRICULUM BY BOARDS OF EDUCATION. — 1. By rule and regulation, and consistent with the provisions contained in section 160.526, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people.

2. [The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards. Separate work groups composed of professionals with appropriate expertise shall be convened for each subject area listed in section 160.518. Active classroom teachers shall constitute the majority of each work group. Teachers serving on such work groups shall be selected by professional teachers' organizations of the state. Additional teachers who are not members of such organizations may serve by appointment of the state board of education] **Whenever the state board of education develops, evaluates, modifies, or revises academic performance standards or learning standards, it shall convene work groups composed of education professionals to develop and recommend such academic performance standards or learning standards. Separate work groups composed of education professionals shall be convened for the following subject areas: English language arts; mathematics; science; and history and governments. The subject area of history and governments shall incorporate geography and the history and governments of the United States and the world. For each subject area in which the state board of education develops, evaluates, modifies, or revises academic performance standards or learning standards, the state board shall convene two separate work groups, one work group for standards for grades kindergarten through five consisting of sixteen members and a second work group for standards for grades six through twelve consisting of seventeen members. A person may be selected to serve on more than one work group if he or she is qualified. No work group member shall be required to be a member of a professional teacher association. An education professional serving on a work group shall be a Missouri resident for at least three years and have taught in the work group's subject area for at least ten years or have ten years of experience in that subject area, except for the parents appointed by the president pro tempore of the senate and the speaker of the house of representatives. Work group members shall be chosen in such a manner as to represent the geographic diversity of the state.**

3. Work group members shall be selected in the following manner:

- (1) Two parents of children currently enrolled in grades kindergarten through twelve shall be selected by the president pro tempore of the senate;**
- (2) Two parents of children currently enrolled in grades kindergarten through twelve shall be selected by the speaker of the house of representatives;**
- (3) One education professional selected by the state board of education from names submitted to it by the professional teachers' organizations of the state;**
- (4) One education professional selected by a statewide association of Missouri school boards;**
- (5) One education professional selected by the state board of education from names submitted to it by a statewide coalition of school administrators;**
- (6) Two education professionals selected by the president pro tempore of the senate in addition to the members selected under subdivision (1) of this subsection;**
- (7) Two education professionals selected by the speaker of the house of representatives in addition to the members selected under subdivision (2) of this subsection;**
- (8) One education professional selected by the governor;**
- (9) One education professional selected by the lieutenant governor;**
- (10) One education professional selected by the commissioner of higher education;**
- (11) One education professional selected by the state board of education from names submitted to it by nationally-recognized career and technical education student organizations operating in Missouri; and**
- (12) One education professional selected by the state board of education from names submitted to it by the heads of state-approved baccalaureate-level teacher preparation programs located in Missouri.**

The state board of education shall also appoint to each work group for grades six through twelve from names submitted to it by a statewide organization for career and technical education one current or retired career and technical education professional who also serves or served as an advisor to any of the nationally recognized career and technical education student organizations identified in subdivision (4) of subsection 2 of section 178.550.

[3.]4. The state board of education shall hold at least three public hearings whenever it develops, evaluates, modifies, or revises academic performance standards or learning standards. The hearings shall provide an opportunity to receive public testimony, including but not limited to testimony from educators at all levels in the state, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public. The state board of education shall hold the first hearing within thirty days of the work groups being convened. The state board of education shall hold the second hearing approximately six months after it holds the first hearing. The state board of education shall hold the third hearing when the work groups submit the academic performance standards they have developed to the state board. The state board of education shall also solicit comments and feedback on the academic performance standards or learning standards from the joint committee on education and from academic researchers. All comments shall be made publicly available.

5. The state board of education shall develop written curriculum frameworks that may be used by school districts. Such curriculum frameworks shall incorporate the academic performance standards adopted by the state board of education pursuant to subsection 1 of this section. The curriculum frameworks shall provide guidance to school districts but shall not be mandates for local school boards in the adoption or development of written curricula as required by subsection [4] 6 of this section.

[4.] 6. Not later than one year after the development of written curriculum frameworks pursuant to subsection [3] 5 of this section, the board of education of each school district in the state shall adopt or develop a written curriculum designed to ensure that students attain the knowledge, skills and competencies established pursuant to subsection 1 of this section. Local school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and may, but are not required to, use the curriculum frameworks developed pursuant to subsection [3] 5 of this section. Nothing in this section or this act shall prohibit school districts, as determined by local boards of education, to develop or adopt curricula that provide for academic standards in addition to those identified by the state board of education pursuant to subsection 1 of this section.

7. Local school districts and charter schools may adopt their own education standards, in addition to those already adopted by the state, provided the additional standards are in the public domain and do not conflict with the standards adopted by the state board of education.

160.516. CURRICULUM, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS NOT TO BE MANDATED BY STATE BOARD OR DEPARTMENT — EXCEPTIONS — APPENDIX TO COMMON CORE STANDARDS NOT TO BE REQUIRED. — 1. Notwithstanding the provisions of section 160.514, the state board of education and the department of elementary and secondary education shall not be authorized to mandate and are expressly prohibited from mandating the curriculum, textbooks, or other instructional materials to be used in public schools. Each local school board shall be responsible for the approval and adoption of curriculum used by the school district. The provisions of this subsection shall not apply to schools and instructional programs administered by the state board of education and the department of elementary and secondary education or to school districts that are classified as unaccredited.

2. The state board of education and the department of elementary and secondary education shall not require districts to use any appendix to the common core state standards.

160.518. STATEWIDE ASSESSMENT SYSTEM, STANDARDS, RESTRICTION — EXEMPLARY LEVELS, OUTSTANDING SCHOOL WAIVERS — SUMMARY WAIVER OF PUPIL TESTING REQUIREMENTS — WAIVER VOID, WHEN — SCORES NOT COUNTED, WHEN — ALTERNATIVE ASSESSMENTS FOR SPECIAL EDUCATION STUDENTS. — 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop, **modify, and revise, as necessary, a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills, and competencies adopted by such board pursuant to [subsection 1 of] section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity, and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The **statewide** assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. **After the state board of education adopts and implements academic performance standards as required under section 161.855, the state board of education shall develop and adopt a standardized assessment instrument under this section based on the academic performance standards adopted under section 161.855.** The statewide assessment system shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.**

2. The **statewide** assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest, **but not mandate**, criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. Exemplary levels shall be measured by the **statewide** assessment system developed pursuant to subsection 1 of this section, or until said **statewide** assessment system is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

6. The state board of education shall identify or, if necessary, establish one or more developmentally appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675. In the development of such alternate assessments, the state board shall establish an advisory panel consisting of a majority of active special education teachers **residing in Missouri** and other education professionals as appropriate to research available assessment options. The advisory panel shall attempt to identify preexisting developmentally appropriate alternate assessments but shall, if necessary, develop alternate assessments and recommend one or more alternate assessments for adoption by the state board. The state board shall consider the recommendations of the advisory council in establishing such alternate assessment or assessments. Any student who receives special educational services, as that term is defined pursuant to section 162.675, shall be assessed by an alternate assessment established pursuant to this subsection upon a determination by the student's individualized education program team that such alternate assessment is more appropriate to assess the student's knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of this section. The alternate assessment shall evaluate the student's independent living skills, which include how effectively the student addresses common life demands and how well the student meets standards for personal independence expected for someone in the student's age group, sociocultural background, and community setting.

7. The state board of education shall also develop recommendations regarding alternate assessments for any military dependent who relocates to Missouri after the commencement of a school term, in order to accommodate such student while ensuring that he or she is proficient in the knowledge, skills, and competencies adopted under section 160.514.

[8. Notwithstanding the provisions of subsections 1 to 7 of this section, no later than June 30, 2006, the state board of education shall administer the following adjustments to the statewide assessment system:

(1) Align the performance standards of the statewide assessment system so that such indicators meet, but do not exceed, the performance standards of the National Assessment of Education Progress (NAEP) exam;

(2) Institute yearly examination of students in the required subject areas where compelled by existing federal standards, as of August 28, 2004; and

(3) Administer any other adjustments that the state board of education deems necessary in order to aid the state in satisfying existing federal requirements, as of August 28, 2004, including, but not limited to, the requirements contained in the federal No Child Left Behind Act. Grade-level expectations shall be considered when the state board of education establishes performance standards.

9. By July 1, 2006, the state board of education shall examine its rules and regulations and revise them to permit waivers of resource and process standards based upon achievement of performance profiles consistent with accreditation status.]

160.526. DEVELOPMENT OF ACADEMIC STANDARDS, LEARNING STANDARDS, AND ASSESSMENT SYSTEM, CRITERIA — ASSISTANCE OF EXPERTS — NOTIFICATION OF IMPLEMENTATION OF SYSTEM, LEGISLATIVE VETO — PROFESSIONAL ADVICE AND COUNSEL. — 1. In establishing, **evaluating, modifying, and revising** the academic **performance standards and learning standards** authorized by [subsection 1 of] section 160.514 and the statewide assessment system authorized by subsection 1 of section 160.518, the state board of education shall consider the work that has been done by other states, recognized regional and national experts, professional education discipline-based associations [and] , other professional education associations, **the work product from the department of higher education's curriculum alignment initiative, or any other work in the public domain.** [Further, in establishing the academic standards and statewide assessment system, the state board of education shall adopt the work that has been done by consortia of other states and, subject to appropriations, may contract with such consortia to implement the provisions of sections 160.514 and 160.518.]

2. The state board of education shall[,] by contract enlist the assistance of such national experts[, as approved by the commission established pursuant to section 160.510,] to receive reports, advice and counsel on a regular basis pertaining to the validity and reliability of the statewide assessment system. The reports from such experts shall be received by the [commission, which shall make a final determination concerning the reliability and validity of the statewide assessment system] **state board of education.** Within six months prior to implementation of **or modification or revision** to the statewide assessment system, the commissioner of education shall inform the president pro tempore of the senate and the speaker of the house **of representatives** about the procedures to implement, **modify, or revise** the **statewide** assessment system, including a report related to the reliability and validity of the assessment instruments, and the general assembly may, within the next sixty legislative days, veto such implementation, **modification, or revision** by concurrent resolution adopted by majority vote of both the senate and the house of representatives.

3. The commissioner of education shall establish a procedure for the state board of education to regularly receive advice and counsel from professional educators at all levels in the state, district boards of education, parents, representatives from business and industry, **the general assembly,** and labor and community leaders pertaining to the implementation of sections

160.514 and 160.518. **By December 31, 2014, the commissioner of education shall revise this procedure to allow the state board of education to regularly receive advice and counsel from professional educators at all levels in the state, district boards of education, parents, representatives from business and industry, the general assembly, and labor and community leaders whenever the state board develops, evaluates, modifies, or revises academic performance standards, learning standards, or the statewide assessment system under sections 160.514 and 160.518.** The procedure shall include, at a minimum, the appointment of ad hoc committees [and shall be in addition to the advice and counsel obtained from the commission pursuant to section 160.510].

160.820. DEPARTMENTS MAY CONTRACT WITH CORPORATION FOR ACTIVITIES. — In order to assist the corporation in achieving the objectives identified in section 160.810, the department of economic development, department of elementary and secondary education, and department of higher education may contract with the corporation for activities consistent with the corporation's purpose, as specified in section 160.805, including but not limited to the employment of any personnel of the corporation, administrative services, and provision of office space. When contracting with the corporation under the provisions of this section, the departments [may directly enter into agreements with the corporation and] shall [not] be bound by the provisions of chapter 34.

161.092. POWERS AND DUTIES OF STATE BOARD. — The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the public schools of the state, subject to limitations provided by law and subdivision (14) of this section, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or

state law. **Such rules shall include a process to allow any district that is accredited without provision that does not meet the state board's promulgated criteria for a classification designation of accredited with distinction to propose alternative criteria to the state board to be classified as accredited with distinction;**

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include:

(a) A statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught;

(b) A statement of the number of teachers employed, their sex, their professional training, and their average salary;

(c) A statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed;

(d) Suggestions for the improvement of public schools; and

(e) Any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

(12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

(13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

(14) Promulgate rules under which the board shall classify the public schools of the state; provided that the appropriate scoring guides, instruments, and procedures used in determining the accreditation status of a district shall be subject to a public meeting upon notice in a newspaper of general circulation in each of the three most populous cities in the state and also a newspaper that is a certified minority business enterprise or woman-owned business enterprise in each of the two most populous cities in the state, and notice to each district board of education, each superintendent of a school district, and to the speaker of the house of representatives, the president pro tem of the senate, and the members of the joint committee on education, at least fourteen days in advance of the meeting, which shall be conducted by the department of elementary and secondary education not less than ninety days prior to their application in accreditation, with all comments received to be reported to the state board of education;

(15) Have other powers and duties prescribed by law.

161.096. STATEWIDE LONGITUDINAL DATA SYSTEM, REGULATION ON STUDENT DATA ACCESSIBILITY, TRANSPARENCY, AND ACCOUNTABILITY REQUIRED — REGULATION REQUIREMENTS — DATA NOT TO BE REPORTED — RULEMAKING AUTHORITY — VIOLATION, PENALTY — ATTORNEY GENERAL TO ENFORCE. — 1. The state board of education shall promulgate a rule relating to student data accessibility, transparency, and accountability relating to the statewide longitudinal data system. This rule shall mandate that the department of elementary and secondary education do the following:

(1) Create and make publicly available a data inventory and index of data elements with definitions of individual student data fields in the student data system to include, but not be limited to:

(a) Any personally identifiable student data required to be reported by state and federal education laws; and

(b) Any other individual student data which has been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection;

(2) Develop policies to comply with all relevant state and federal privacy laws and policies, including but not limited to the federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy laws and policies. These policies shall include, but not be limited to the following requirements:

(a) Access to personally identifiable student data in the statewide longitudinal data system shall be restricted to:

a. The authorized staff of the department of elementary and secondary education and the contractors working on behalf of the department who require such access to perform their assigned duties as required by law;

b. District administrators, teachers, and school personnel who require such access to perform their assigned duties;

c. Students and their parents for their own data; and

d. The authorized staff of other state agencies in this state as required by law and governed by interagency data sharing agreements;

(b) The department of elementary and secondary education shall develop criteria for the approval of research and data requests from state and local agencies, researchers working on behalf of the department, and the public;

(3) Shall not, unless otherwise provided by law and authorized by policies adopted pursuant to this section, transfer personally identifiable student data;

(4) Develop a detailed data security plan that includes:

(a) Guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access;

(b) Privacy compliance standards;

(c) Privacy and security audits;

(d) Breach planning, notification and procedures;

(e) Data retention and disposition policies; and

(f) Data security policies including electronic, physical, and administrative safeguards, such as data encryption and training of employees;

(5) Ensure routine and ongoing compliance by the department of elementary and secondary education with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this section, including the performance of compliance audits;

(6) Ensure that any contracts that govern databases, assessments, or instructional supports that include student or redacted data and are outsourced to private vendors include express provisions that safeguard privacy and security, including provisions that prohibit private vendors from selling student data or from using student data in furtherance of advertising, with penalties for noncompliance, except to a local service provider for the limited purpose authorized by the school or district whose access to student data, if any, is limited to "directory information" as that term is defined in the federal regulations implementing the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; and

(7) Notify the governor, the president pro tempore of the senate, the speaker of the house of representatives, and the joint committee on education annually of the following:

(a) New student data proposed for inclusion in the state student data system; and

(b) Changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. Department of Education.

2. Quantifiable student performance data shall only include performance on locally developed or locally approved assessments, including but not limited to formative assessments developed by classroom teachers.

3. The department of elementary and secondary education shall not collect nor shall school districts report the following individual student data:

- (1) Juvenile court delinquency records;
- (2) Criminal records;
- (3) Student biometric information;
- (4) Student political affiliation; or
- (5) Student religion.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

5. Each violation of any provision of any rule promulgated pursuant to this section by an organization or entity other than a state agency, a school board, or an institution shall be punishable by a civil penalty of up to one thousand dollars. A second violation by the same organization or entity involving the education records and privacy of the same student shall be punishable by a civil penalty of up to five thousand dollars. Any subsequent violation by the same organization or entity involving the education records and privacy of the same student shall be punishable by a civil penalty of up to ten thousand dollars. Each violation involving a different individual education record or a different individual student shall be considered a separate violation for purposes of civil penalties.

6. The attorney general shall have the authority to enforce compliance with this section by investigation and subsequent commencement of a civil action, to seek civil penalties for violations of this section, and to seek appropriate injunctive relief, including but not limited to a prohibition on obtaining personally identifiable information for an appropriate time period. In carrying out such investigation and in maintaining such civil action, the attorney general or any deputy or assistant attorney general is authorized to subpoena witnesses, compel their attendance, examine them under oath, and require that any books, records, documents, papers, or electronic records relevant to the inquiry be turned over for inspection, examination, or audit. Subpoenas issued under this subsection may be enforced pursuant to the Missouri rules of civil procedure.

161.855. WORK GROUPS TO CONVENE, MEMBERS, RECOMMENDATIONS — STATE BOARD TO ADOPT AND IMPLEMENT STANDARDS, WHEN — PILOT ASSESSMENTS — CERTAIN PERSONS PERFORMING WORK TO BE EMPLOYEES OF THE DISTRICT. — 1. By October 1, 2014, the state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards. The work groups shall be composed of individuals as provided in section 160.514. The state board of education and the work groups shall follow the procedures and conduct the public hearings required by section 160.514. The state board of education shall convene separate work groups for the following subject areas: English language arts; mathematics; science; and history and governments. For each of these four subject areas, the state board of education shall convene two separate work groups, one work group for grades kindergarten through five and another work group for grades six through twelve.

2. The work groups shall develop and recommend academic performance standards to the state board of education by October 1, 2015. The work groups shall report on their progress in developing the academic performance standards to the president pro tempore of the senate and the speaker of the house of representatives on a monthly basis.

3. The state board of education shall adopt and implement academic performance standards beginning in the 2016-2017 school year. The state board of education shall align the statewide assessment system to the academic performance standards as needed.

4. The department of elementary and secondary education shall pilot assessments from the Smarter Balanced Assessment Consortium during the 2014-2015 school year. Notwithstanding any rules adopted by the state board of education or the department of elementary and secondary education in place at the effective date of this section, for the 2014-2015 school year, and at any time the state board of education or the department of elementary and secondary education implements a new statewide assessment system, develops new academic performance standards, or makes changes to the Missouri School Improvement Program, the first year of such statewide assessment system and performance indicators shall be utilized as a pilot year for the purposes of calculating a district's annual performance report under the Missouri school improvement program. The results of a statewide pilot shall not be used to lower a public school district's accreditation or for a teacher's evaluation.

5. Any person performing work for a school district or charter school for which teacher certification or administrator certification is regularly required under the laws relating to the certification of teachers or administrators shall be an employee of the school district or charter school. All evaluations of any such person shall be maintained in the teacher's or administrator's personnel file and shall not be shared with any state or federal agency.

Approved July 14, 2014

HB 1504 [CCS SS SCS HB 1504]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding tax increment financing

AN ACT to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

SECTION

A. Enacting clause.

99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.

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

SECTION A. ENACTING CLAUSE. — Section 99.845, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 99.845, to read as follows:

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval

of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. **Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter approved levy rate at the time that the redevelopment project was adopted.** Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Article VI, Section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the

debt limitation on local government pursuant to Article VI, Section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of Section 6 of Article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section **67.700** or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. **Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that**

are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality.

The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

- (n) The anticipated type and term of the sources of funds to pay such development project costs;
 - (o) The anticipated type and terms of the obligations to be issued;
 - (p) The most recent equalized assessed valuation of the property within the development project area;
 - (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
 - (r) The general land uses to apply in the development area;
 - (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
 - (t) The total number of full-time equivalent positions in the development area;
 - (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
 - (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
 - (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
 - (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
 - (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
 - (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
 - (aa) A list of other community and economic benefits to result from the project;
 - (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
 - (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
 - (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
 - (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
 - (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
 - (gg) A market study for the development area;
 - (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office

of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

Approved July 3, 2014

HB 1506 [HB 1506]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes a rural regional development grants program

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to rural regional development grants.

SECTION

- A. Enacting clause.
620.750. Grants authorized, qualified rural regional development groups, duties — grant procedure — use of grant moneys — report — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.750, to read as follows:

620.750. GRANTS AUTHORIZED, QUALIFIED RURAL REGIONAL DEVELOPMENT GROUPS, DUTIES — GRANT PROCEDURE — USE OF GRANT MONEYS — REPORT — RULEMAKING AUTHORITY. — **1. The department of economic development, subject to an appropriation not to exceed five million dollars each fiscal year, shall develop and implement rural regional development grants as provided in this section.**

2. Rural regional development grants may be provided to qualified rural regional development groups. After the award of a grant, the group shall:

(1) Track and monitor job creation and investment in the region using quantitative measures that measure progress toward preestablished goals;

(2) Establish a process for enrolling commercial and industrial development sites in the region in the state-certified sites program or maintain a list of state-certified commercial and industrial development sites in the region;

(3) Measure the skills of the region's workforce;

(4) Provide an organizational chart demonstrating that private businesses and local governmental and educational officials are involved in the group; and

(5) Provide documentation of the group's financial activities for the current year.

3. A rural regional development group shall not qualify for a rural regional development grant if:

(1) The group's region includes a county or portion of another state outside the state of Missouri; or

(2) The group maintains an operating budget greater than two hundred fifty thousand dollars.

4. Applications for rural regional development grants shall only be submitted for a rural regional development group by a regional planning commission created under chapter 251 or other legally created regional planning commission. A regional planning commission may submit applications on behalf of more than one rural regional development group, except that a regional planning commission shall not submit an application on behalf of a group that the regional planning commission does not recognize as the economic development authority for the county that the authority represents.

5. The regional planning commission may charge an application fee for the grants developed under this section. The regional planning commission shall be allowed to claim reimbursement from the grant recipient for actual costs of administering the grants.

6. A single grant shall not exceed one hundred fifty thousand dollars. Each of the nineteen regions of the state represented by a regional planning commission created under chapter 251 or other legally created regional planning commission shall not receive more than two grants per region annually.

7. Grants provided under this section shall be distributed based on a rural regional development group's years in operation. The eligible amount shall be:

(1) For a group in operation two years or more on a matching basis of three dollars of state funds for every one dollar of funds provided or raised by the rural regional development group, including the value of in-kind services, supplies, or equipment.

(2) For groups in operation less than two years on a matching basis of one dollar of state funds for every one dollar of funds provided or raised by the rural regional development group, including the value of in-kind services, supplies, or equipment.

8. Uses for the grants may include, but are not limited to, the following activities:

(1) Workforce development activities, such as evaluation and education;

(2) Entrepreneurship training for pre-venture and existing businesses;

(3) Development of regional marketing techniques and activities;

(4) International trade training for new-to-export businesses in the region;

(5) In-depth market research and financial analysis for businesses in the region;

(6) Demographic and market opportunity research to assist regional planning commissions in developing their comprehensive economic development strategy.

9. The grant recipient shall annually report to the governor; the director of the department of economic development; the senate committee on commerce, consumer protection and the environment; the house committee on economic development and any successor committees thereto, the allocation of the grants and the purposes for which the funding was used.

10. The department of economic development may promulgate rules governing the award of grants under this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

Approved July 7, 2014

HB 1523 [HCS HB 1523]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the management, investment, and expenditures of endowment funds held by charitable institutions and other entities holding funds for charitable purposes

AN ACT to repeal section 402.134, RSMo, and to enact in lieu thereof one new section relating to endowment funds, with an emergency clause.

SECTION

A. Enacting clause.

- 402.134. Appropriation for expenditure or accumulation of endowment fund, amount permitted — factors to consider.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 402.134, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 402.134, to read as follows:

402.134. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND, AMOUNT PERMITTED — FACTORS TO CONSIDER. — 1. Subject to the intent of the donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless otherwise stated in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith with the care that an ordinary prudent person in a like position would exercise under similar circumstances and shall consider, if relevant, the following factors:

- (1) The duration and preservation of the endowment fund;
- (2) The purposes of the institution and the endowment fund;
- (3) General economic conditions;
- (4) The possible effect of inflation or deflation;
- (5) The expected total return from income and the appreciation of investments;
- (6) Other resources of the institution; and
- (7) The investment policy of the institution.

2. To limit the authority to appropriate for expenditure or accumulate under subsection 1 of this section, a gift instrument shall specifically state the limitation.

3. Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income", "interest", "dividends", or "rents, issues or profits", or "to preserve the principal intact", or words of [that] **similar** import [that]:

- (1) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and
- (2) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection 1 of this section.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to preserve the charitable purpose of certain endowment funds, the repeal and reenactment of section 402.134 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 402.134 of section A of this act shall be in full force and effect upon its passage and approval.

Approved June 10, 2014

HB 1594 [SCS HB 1594]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows for volunteer labor on public works projects

AN ACT to repeal section 290.230, RSMo, and to enact in lieu thereof one new section relating to volunteer labor on public works projects.

SECTION

A. Enacting clause.

290.230. Prevailing wage rates required on construction of public works.

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

SECTION A. ENACTING CLAUSE. — Section 290.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.230, to read as follows:

290.230. PREVAILING WAGE RATES REQUIRED ON CONSTRUCTION OF PUBLIC WORKS.

— 1. Not less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed, and not less than the prevailing hourly rate of wages for legal holiday and overtime work, shall be paid to all workmen employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work. Only such workmen as are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works. **Any such workman who agrees in writing to volunteer his or her labor without pay shall not be deemed to be employed upon public works, and shall not be entitled to the prevailing hourly rate of wages. For the purposes of this section, the term "workman who agrees in writing to volunteer his or her labor without pay" shall mean a workman who volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to disposition of a criminal case against him, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the workman is a volunteer. Under no circumstances may an employer force, compel or otherwise intimidate an employee into performing work otherwise paid by a prevailing wage as a volunteer.**

2. When the hauling of materials or equipment includes some phase of construction other than the mere transportation to the site of the construction, workmen engaged in this dual capacity shall be deemed employed directly on public works.

Approved July 2, 2014

HB 1602 [HB 1602]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes the conveyance of property owned by the State of Missouri to the City of Farmington for a bird sanctuary

AN ACT to authorize the conveyance of property owned by the state in St. Francois County to the City of Farmington.

SECTION

1. Governor authorized to convey property in St. Francois County to City of Farmington.

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

SECTION 1. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN ST. FRANCOIS COUNTY TO CITY OF FARMINGTON — 1. The governor is hereby authorized and empowered to sell,

transfer, grant, and convey all interest in fee simple absolute in property owned by the state in St. Francois County to the City of Farmington. The property to be conveyed is more particularly described as follows:

A tract of land located in the County of St. Francois and the State of Missouri, lying in part of Lot 89 of F W Rohland Subdivision of United States Survey 2969, A Subdivision filed for record in Book F at Page 441 of the Land Records of St. Francois County, Missouri, described as follows, to-wit: Commencing at a found 4" X 12" limestone with a cut X marking the Southwest corner of said Lot 89, the POINT OF BEGINNING of the tract herein described; thence along the West boundary of said Lot 89 North 07°02'33" East 477.44' to a found No. 4 rebar cap PLS 1955 on the North right-of-way of Vargo Road; thence along the North right-of-way of Vargo Road as follows South 45°30'07" East 112.78' to a found No. 5 rebar; thence South 49°22'11" East 138.02' to a found No. 5 rebar; thence South 45°18'14" East 117.09' to a found No. 5 rebar; thence South 33°19'54" East 117.56' to a found No. 5 rebar; thence South 28°53'49" East 66.39' to a found No. 5 rebar; thence South 37°47'46" East 103.11' to a found No. 4 rebar cap PLS 1955; thence South 32°37'49" East 48.52' to a found No. 4 rebar cap PLS 1955; thence leaving said North right-of-way of Vargo Road South 07°43'18" West 13.68' to a found No. 4 rebar cap PLS 1955 on the South boundary of said Lot 89; thence along said South boundary of Lot 89 North 82°14'11" West 515.89' to the point of beginning. Containing 3.22 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Approved June 10, 2014

HB 1603 [HB 1603]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Designates the exercise commonly known as "jumping jacks" as the official state exercise

AN ACT to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state exercise.

SECTION

- A. Enacting clause.
10.115. Official state exercise — jumping jacks.

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

SECTION A. ENACTING CLAUSE. — Chapter 10, RSMo, is amended by adding thereto one new section, to be known as section 10.115, to read as follows:

10.115. OFFICIAL STATE EXERCISE — JUMPING JACKS. — The exercise commonly known and referred to as "jumping jacks", which was invented by Missouri-born General John J. Pershing as a drill exercise for cadets when he was a tactical officer at

West Point in the late 1800s, is selected for and shall be known as the official exercise of the state of Missouri.

Approved July 10, 2014

HB 1614 [SCS HCS HB 1614]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Adds dyslexia to the special needs definition for purposes of Bryce's Law

AN ACT to repeal section 161.825, RSMo, and to enact in lieu thereof one new section relating to educational services for students with qualifying needs.

SECTION

A. Enacting clause.

161.825. Citation of law — definitions — master list of autism spectrum disorder resources required — scholarship granting organizations, requirements, duties — department duties — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Section 161.825, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.825, to read as follows:

161.825. CITATION OF LAW — DEFINITIONS — MASTER LIST OF AUTISM SPECTRUM DISORDER RESOURCES REQUIRED — SCHOLARSHIP GRANTING ORGANIZATIONS, REQUIREMENTS, DUTIES — DEPARTMENT DUTIES — SUNSET PROVISION. — 1. This section shall be known and may be cited as "Bryce's Law".

2. As used in this section, the following terms mean:

(1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome; childhood disintegrative disorder; Rett syndrome; and autism;

(2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(3) "Department", the department of elementary and secondary education;

(4) "Director", the commissioner of education;

(5) "**Dyslexia therapy**", **an appropriate specialized dyslexia instructional program that is systematic, multisensory, and research-based offered in a small group setting to teach students the components of reading instruction including but not limited to phonemic awareness, graphophonemic knowledge, morphology, semantics, syntax, and pragmatics, instruction on linguistic proficiency and fluency with patterns of language so that words and sentences are carriers of meaning, and strategies that students use for decoding, encoding, word recognition, fluency and comprehension delivered by qualified personnel;**

[5] (6) "Educational scholarships", grants to students **or children** to cover all or part of the tuition and fees at a qualified nonpublic school, a qualified public school, or a qualified service provider, including transportation;

[6] (7) "Eligible child", any child from birth to age five living in Missouri who has an individualized family services program under the first steps program, sections 160.900 to 160.933, and whose parent or guardian has completed the complaint procedure under the Individuals with Disabilities Education Act, Part C, and has received an unsatisfactory response; or any child from birth to age five who has been evaluated for [special] **qualifying** needs as

defined in this section by a person qualified to perform evaluations under the first steps program and has been determined to have [special needs] a **qualifying need** but who falls below the threshold for eligibility by no less than twenty-five percent;

[(7)] **(8)** "Eligible student", any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school in Missouri for the first time, who has an individualized education program based on a [special] **qualifying** needs condition or who has a medical **or clinical** diagnosis by a qualified health professional of a [special] **qualifying** needs condition **which in the case of dyslexia, may be based on the C-TOPP assessment as an initial indicator of dyslexia and confirmed by further medical or clinical diagnosis;**

[(8)] **(9)** "Parent", includes a guardian, custodian, or other person with authority to act on behalf of the **student or child;**

[(9)] **(10)** "Program", the program established in this section;

[(10)] **(11)** "Qualified health professional", a person licensed under chapter 334 or 337 who possesses credentials as described in rules promulgated jointly by the department of elementary and secondary education and the department of mental health to make a diagnosis of a student's [special] **qualifying** needs for this program;

[(11)] **(12)** "Qualified school", either an accredited public elementary or secondary school in a district that is accredited without provision outside of the district in which a student resides or an accredited nonpublic elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to nonpublic schools regarding criminal background checks for employees and excludes from employment any person not permitted by state law to work in a nonpublic school;

[(12)] **(13)** "Qualified service provider", a person or agency authorized by the department to provide services under the first steps program, sections 160.900 to 160.933, **and in the case of a provider offering dyslexia therapy, the term also includes a person with national certification as an academic language therapist;**

(14) "Qualifying needs", an autism spectrum disorder, Down Syndrome, Angelman Syndrome, cerebral palsy, or dyslexia;

(15) "Scholarship granting organization", a charitable organization that:

- (a) Is exempt from federal income tax;
- (b) Complies with the requirements of this program;
- (c) Provides education scholarships to students attending qualified schools of their parents' choice or to children receiving services from qualified service providers; and
- (d) Does not accept contributions on behalf of any eligible student or eligible child from any donor with any obligation to provide any support for the eligible student or eligible child;

(14) "Special needs", an autism spectrum disorder, Down Syndrome, Angelman Syndrome, or cerebral palsy].

3. The department of elementary and secondary education shall develop a master list of resources available to the parents of children with an autism spectrum disorder **or dyslexia** and shall maintain a web page for the information. The department shall also actively seek financial resources in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority for funding shall be given to children who have not yet entered elementary school.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information [which] **that** is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship granting organization if such organization meets the definition set forth in this section.

5. The director shall establish a procedure by which a donor can determine if an organization has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a donor.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each donor making a contribution to the scholarship granting organization.

7. (1) The director shall annually make a determination on the number of students in Missouri with an individualized education program based upon [special] **qualifying** needs as defined in this section. The director shall use ten percent of this number to determine the maximum number of students to receive scholarships from a scholarship granting organization in that year for students with [special] **qualifying** needs who have at the time of application an individualized education program, plus a number calculated by the director by applying the state's latest available autism, cerebral palsy, Down Syndrome, [and] Angelman Syndrome, **and dyslexia** incidence rates to the state's population of children from age five to nineteen who are not enrolled in public schools and taking ten percent of that number. The total of these two calculations shall constitute the maximum number of scholarships available to students.

(2) The director shall also annually make a determination on the number of children in Missouri whose parent or guardian has enrolled the child in first steps, received an individualized family services program based on [special] **qualifying** needs, and filed a complaint through the Individuals with Disabilities Education Act, Part C, and received [a negative] **an unsatisfactory** response. In addition to this number, the director shall apply the latest available autism, cerebral palsy, Down Syndrome, [and] Angelman Syndrome, **and dyslexia** incidence rates to the latest available census information for children from birth to age five and determine ten percent of that number for the maximum number of scholarships for children.

(3) The director shall publicly announce the number of each category of scholarship opportunities available each year. Once a scholarship granting organization has decided to provide a student or child with a scholarship, it shall promptly notify the director. The director shall keep a running tally of the number of scholarships granted in the order in which they were reported. Once the tally reaches the annual limit of scholarships for eligible students or children, the director shall notify all of the participating scholarship granting organizations that they shall not issue any more scholarships and any more receipts for contributions. If the scholarship granting organizations have not expended all of their available scholarship funds in that year at the time when the limit is reached, the available scholarship funds may be carried over into the next year. These unexpended funds shall not be counted as part of the requirement in subdivision (3) of subsection [10] **8** of this section for that year. Any receipt for a scholarship contribution issued by a scholarship granting organization before the director has publicly announced the student or child limit has been reached shall be valid. **Beginning with school year 2016-17, the director may adjust the allocation of the proportion of scholarships using information on unmet need and use patterns from the previous school years. The director shall provide notice of the change to the state board of education for its approval.**

8. Each scholarship granting organization participating in the program shall:

(1) Notify the department of its intent to provide educational scholarships to students attending qualified schools or children receiving services from qualified service providers;

(2) Provide a department-approved receipt to donors for contributions made to the organization;

(3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;

(4) Ensure that the scholarships provided do not exceed an average of twenty thousand dollars per eligible child or fifty thousand dollars per eligible student;

(5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a parentally placed private school student pursuant to

34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;

(6) Distribute periodic scholarship payments as checks made out to a student's or child's parent and mailed to the qualified school where the student is enrolled or qualified service provider used by the child. The parent or guardian shall endorse the check before it can be deposited;

(7) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

(8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service provider for an eligible child according to a parent's wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;

(9) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

9. Each scholarship granting organization shall ensure that each participating school or service provider that accepts its scholarship students or children shall:

(1) Comply with all health and safety laws or codes that apply to nonpublic schools or service providers;

(2) Hold a valid occupancy permit if required by its municipality;

(3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

(4) Provide academic accountability to parents of the students or children in the program by regularly reporting to the parent on the student's or child's progress;

(5) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a **medical or clinical** diagnosis of or an individualized education program based upon autism spectrum disorder it will:

(a) Adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines;

(b) Not use any evidence-based interventions that have been found ineffective by the [commission on Medicare] **centers for Medicare and Medicaid services** as described in the Missouri Autism Guidelines Initiative guide to evidence-based interventions; and

(c) Provide documentation in the student's or child's record of the rationale for the use of any intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri Autism Guidelines Initiative guide to evidence-based interventions; and

(6) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a **medical or clinical** diagnosis of, or an individualized family services program based upon Down Syndrome, Angelman Syndrome, [or] cerebral palsy, **or dyslexia**, it will use student, teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent analyses as determined by the department, or document why it is using a method that has not been determined by analysis to rank in the zone of desired effects.

10. Scholarship granting organizations shall not provide educational scholarships for students to attend any school or children to receive services from any qualified service provider with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

11. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding its grants in the previous calendar year:

- (1) The name and address of the scholarship granting organization;
- (2) The total number and total dollar amount of contributions received during the previous calendar year; and
- (3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, including the category of each scholarship, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

12. The department shall adopt rules and regulations consistent with this section as necessary to implement the program.

13. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a donor to indicate the value of a contribution received.

14. The department shall provide a standardized format for scholarship granting organizations to report the information in this section.

15. The department may conduct either a financial review or audit of a scholarship granting organization.

16. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of this section, the department may hold a hearing before the director or the director's designee to bar a scholarship granting organization from participating in the program. The director or the director's designee shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

17. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students or children and their parents of this decision within fifteen days.

18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

19. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

20. The study shall assess:

- (1) The level of participating students' and children's satisfaction with the program in a manner suitable to the student or child;
 - (2) The level of parental satisfaction with the program;
 - (3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;
 - (4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;
-

(5) The class size experienced by participating students at their resident school district and at their qualified school; and

(6) The fiscal impact to the state and resident school districts of the program.

21. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

22. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2016.

23. The public and nonpublic participating schools and service providers from which students transfer to participate in the program shall cooperate with the research effort by providing student or child assessment instrument scores and any other data necessary to complete this study.

24. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act, as amended.

25. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically on December 31, 2031; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved July 9, 2014

HB 1631 [SCS HCS HB 1631]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies that the Air Conservation Commission shall develop emissions standards and compliance schedules under federal law through a unit-by-unit analysis of each existing source of a designate

AN ACT to amend chapter 643, RSMo, by adding thereto one new section relating to the air conservation commission.

SECTION

A. Enacting clause.

643.640. Emission standards to be developed for certain carbon dioxide sources — unit-by-unit analysis required, procedure — severability clause.

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

SECTION A. ENACTING CLAUSE. — Chapter 643, RSMo, is amended by adding thereto one new section, to be known as section 643.640, to read as follows:

643.640. EMISSION STANDARDS TO BE DEVELOPED FOR CERTAIN CARBON DIOXIDE SOURCES — UNIT-BY-UNIT ANALYSIS REQUIRED, PROCEDURE — SEVERABILITY CLAUSE. — **1. The commission shall develop emission standards under 42 U.S.C. Section 7411(d) and 40 CFR 60.24 through a unit-by-unit analysis of each existing affected source of carbon dioxide within the state. As used in this section, "unit-by-unit analysis" means an analysis**

of each generation plant individually, regardless of the number of turbines at each plant site.

2. The commission shall consider in developing and implementing emission standards for each existing affected source of carbon dioxide, among other factors, the remaining useful life of the existing affected source to which such standard applies, consistent with 42 U.S.C. Section 7411(d).

3. The commission shall consider, consistent with its statutory duties to achieve the prevention, abatement, and control of air pollution by all commercially available and economically feasible methods, the overall economic impact from any and all emission standards and compliance schedules developed and implemented under 42 U.S.C. Section 7411(d).

4. The commission may develop, on a unit-by-unit basis for individual existing affected sources and emissions of carbon dioxide at these existing affected sources, consistent with 40 CFR 60.24(f), emission standards that are less stringent, but not more stringent, than applicable federal emission guidelines or longer compliance schedules than those required by federal regulations. This determination shall be based on:

(1) Unreasonable cost of control resulting from plant age, location, or basic process design;

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the existing affected source or class of existing affected sources that make application of a less stringent standard or final compliance time significantly more reasonable, including, but not limited to, the absolute cost of applying the emission standard and compliance schedule to the existing affected source; the outstanding debt associated with the existing affected source; the economic impacts of closing the existing affected source, including expected job losses if the existing affected source is unable to comply with the performance standard; and the customer impacts of applying the emission standard and compliance schedule to the existing affected source, including any disproportionate electric rate impacts on low income populations.

5. As required by 40 CFR 60.26, the commission has legal authority to carry out any state implementation plan with emission standards and compliance schedules that are developed and implemented consistent with this chapter.

6. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Approved July 7, 2014

HB 1651 [HB 1651]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows members of electric cooperatives to participate in certain meetings by mail or electronic means

AN ACT to repeal section 394.120, RSMo, and to enact in lieu thereof one new section relating to electric cooperatives.

SECTION

A. Enacting clause.

394.120. Qualifications for membership — meetings — rules.

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

SECTION A. ENACTING CLAUSE. — Section 394.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 394.120, to read as follows:

394.120. QUALIFICATIONS FOR MEMBERSHIP — MEETINGS — RULES. — 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the first two thousand members and one percent of the remaining members, present in person **or if the bylaws so provide, participating electronically or by mail** shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, **by electronic means, [or] by mail, or [both] any combination thereof.** If the bylaws provide for voting by proxy, **by electronic means,** or by mail, they shall also prescribe the conditions under which proxy, **electronic,** or mail voting shall be exercised. In any event, no person shall vote as proxy for more than two members at any meeting of the members.

Approved June 5, 2014

HB 1656 [HB 1656]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies that if an anatomical gift is medically unsuitable for transplantation or therapy, the gift may be used for research, education, or pass to an appropriate procurement organization

AN ACT to repeal section 194.255, RSMo, and to enact in lieu thereof one new section relating to anatomical gifts.

SECTION

A. Enacting clause.

194.255. Persons eligible to receive gift in the document of gift — gifts not naming persons, effect of — refusal of gift required when.

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

SECTION A. ENACTING CLAUSE. — Section 194.255, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 194.255, to read as follows:

194.255. PERSONS ELIGIBLE TO RECEIVE GIFT IN THE DOCUMENT OF GIFT — GIFTS NOT NAMING PERSONS, EFFECT OF — REFUSAL OF GIFT REQUIRED WHEN. — 1. An anatomical gift may be made to the following persons named in the document of gift:

(1) A hospital, accredited medical school, dental school, college, university, or organ procurement organization, cadaver procurement organization, or other appropriate person for research or education;

(2) Subject to subsection 2 of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part; or

(3) An eye bank or tissue bank.

2. If an anatomical gift to an individual under subdivision (2) of subsection 1 of this section cannot be transplanted into the individual, the part passes in accordance with subsection 7 of this section in the absence of an express, contrary indication by the person making the anatomical gift.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(1) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank;

(2) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank;

(3) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ;

(4) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

4. For the purpose of subsection 3 of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection 7 of this section.

6. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor", "organ donor", or "body donor", or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection 7 of this section.

7. For purposes of subsections 2, 5, and 6 of this section, the following rules apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank;

(2) If the part is tissue, the gift passes to the appropriate tissue bank;

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ;

(4) If the gift is medically unsuitable for [transportation] **transplantation** or therapy, the gift may be used for research or education and pass to the appropriate procurement organization or cadaver procurement organization.

8. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subdivision (2) of subsection 1 of this section, passes to the organ procurement organization as custodian of the organ.

9. If an anatomical gift does not pass under subsections 1 through 8 of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

10. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 194.225 or 194.250 or if the person knows that the decedent made a refusal under section 194.235 that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

11. A person may not accept an anatomical gift if the person knows that the gift is from the body of an executed prisoner from another country.

12. Except as otherwise provided in subdivision (2) of subsection 1 of this section, nothing in this act affects the allocation of organs for transplantation or therapy.

Approved June 4, 2014

HB 1665 [CCS SS SCS HCS HBs 1665 & 1335]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the administration of justice

AN ACT to repeal sections 57.015, 57.201, 57.220, 57.250, 483.140, 544.216, 610.120, and 610.122, RSMo, and to enact in lieu thereof ten new sections relating to the administration of justice, with penalty provisions.

SECTION

- A. Enacting clause.
- 57.015. Definitions.
- 57.201. Deputies, appointment, compensation — serve at pleasure of sheriff (certain first class counties).
- 57.220. Appointment of deputies, provisions of law to apply (second class counties).
- 57.250. Appointment of deputies — compensation — duty of circuit judges — presiding judge may order additional deputies, when — provisions of law to apply (third and fourth class counties).
- 407.1150. Publishing or disseminating criminal record information prohibited — definitions — violation, penalty.
- 483.140. Judge to superintend keeping of records.
- 544.216. Powers of arrest, arrest without warrant on suspicion persons violating any law of state including infractions, misdemeanors and ordinances, exception — power of municipal officer in unincorporated area.
- 610.120. Records to be confidential — accessible to whom, purposes.
- 610.122. Arrest record expunged, requirements.
 - 1. Mandatory electronic filing jurisdictions, notice of entry of appearance to be accepted, when — expiration date.

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

SECTION A. ENACTING CLAUSE. — Sections 57.015, 57.201, 57.220, 57.250, 483.140, 544.216, 610.120, and 610.122, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 57.015, 57.201, 57.220, 57.250, 407.1150, 483.140, 544.216, 610.120, 610.122, and 1, to read as follows:

57.015. DEFINITIONS. — [As used in this chapter] **For purposes of section 57.275**, the following words and terms shall have the following meaning:

(1) "Deputy sheriff" or "officer", any deputy sheriff who is employed full time by a law enforcement agency, authorized by this chapter and certified pursuant to chapter 590. This term shall not include an officer serving in probationary status or one year, whichever is longer, upon initial employment. This term shall not include any deputy sheriff with the rank of lieutenant and above, or any chief deputies, under sheriffs and the command staff as defined by the sheriff's department policy and procedure manual;

(2) "Hearing", a closed meeting conducted by a hearing board appointed by the sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff. Witnesses to the event that triggered the dismissal may attend the hearing for the limited purpose of providing testimony; the attorney for the deputy dismissed may attend the hearing, but only to serve as an observer; the sheriff and his or her attorney may attend the hearing, but only to serve as an observer;

(3) "Hearing board", the individuals appointed by the sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff; and

(4) "Law enforcement agency", any county sheriff's office of this state that employs county law enforcement deputies authorized by this chapter and certified by chapter 590.

57.201. DEPUTIES, APPOINTMENT, COMPENSATION — SERVE AT PLEASURE OF SHERIFF (CERTAIN FIRST CLASS COUNTIES). — 1. The sheriff of all counties of the first class not having a charter form of government shall appoint such deputies, assistants and other employees as he deems necessary for the proper discharge of the duties of his office and may set their compensation within the limits of the allocations made for that purpose by the county commission. The compensation for the deputies, assistants and employees shall be paid in equal installments out of the county treasury in the same manner as other county employees are paid.

2. The assistants and employees shall hold office at the pleasure of the sheriff.

3. [Deputies] **A deputy sheriff, as the term "deputy sheriff" is defined under section 57.015** shall hold office pursuant to the provisions of sections 57.015 and 57.275.

57.220. APPOINTMENT OF DEPUTIES, PROVISIONS OF LAW TO APPLY (SECOND CLASS COUNTIES). — The sheriff, in a county of the second class, shall be entitled to such a number of deputies as a majority of the circuit judges of the circuit court shall deem necessary for the prompt and proper discharge of the duties of the sheriff's office; provided, however, such number of deputies appointed by the sheriff shall not be less than one chief deputy sheriff and one additional deputy for each five thousand inhabitants of the county according to the last decennial census. Such deputies shall be appointed by the sheriff, but no appointment shall become effective until approved by a majority of the circuit judges of the circuit court of the county. A majority of the circuit judges of the circuit court, by agreement with the sheriff, shall fix the salaries of such deputies. A statement of the number of deputies allowed the sheriff, and their compensation, together with the approval of any appointment by such judges of the circuit court, shall be in writing and signed by them and filed by the sheriff with the county commission. [Deputies] **A deputy sheriff as the term "deputy sheriff" is defined under section 57.015** shall hold office pursuant to the provisions of sections 57.015 and 57.275.

57.250. APPOINTMENT OF DEPUTIES — COMPENSATION — DUTY OF CIRCUIT JUDGES — PRESIDING JUDGE MAY ORDER ADDITIONAL DEPUTIES, WHEN — PROVISIONS OF LAW TO APPLY (THIRD AND FOURTH CLASS COUNTIES). — The sheriff in counties of the third and fourth classifications shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of a majority of the circuit judges of the circuit court, as such judges shall deem necessary for the prompt and proper discharge of such sheriff's duties relative to the enforcement of the criminal law of this state. Such judges of the circuit court, in their order permitting the sheriff to appoint deputies or assistants, shall fix the compensation of such deputies or assistants. The circuit judges shall annually review their order fixing the number and

compensation of the deputies and assistants and in setting such number and compensation shall have due regard for the financial condition of the county. Each such order shall be entered of record and a certified copy thereof shall be filed in the office of the county clerk at least fifteen days prior to the date of the adoption of the county budget as prescribed by section 50.610. The sheriff may at any time discharge any assistant and may regulate the time of such person's employment. [Deputies] **A deputy sheriff as the term "deputy sheriff" is defined under section 57.015 shall hold office pursuant to the provisions of sections 57.015 and 57.275. At the request of the sheriff, the presiding judge may order additional deputies in cases where exigent or emergency circumstances require the need for such additional deputies.**

407.1150. PUBLISHING OR DISSEMINATING CRIMINAL RECORD INFORMATION PROHIBITED — DEFINITIONS — VIOLATION, PENALTY. — 1. As used in this section, the following words and phrases shall mean:

(1) "Booking photograph", a photograph of a subject individual that was taken in this state by an arresting law enforcement agency;

(2) "Criminal record information", a booking photograph, or the name, address, charges filed, or a description of a subject individual who is asserted or implied to have engaged in illegal conduct;

(3) "Subject individual", an individual who was arrested and had his or her photograph taken by law enforcement during the processing of the arrest.

2. It shall be unlawful for any person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium to solicit or accept from a subject individual the payment of a fee or other consideration to remove or correct criminal record information.

3. A person who knowingly and willfully violates the provisions of this section shall be guilty of a class A misdemeanor.

4. Each payment solicited or accepted in violation of this section constitutes a separate violation.

5. In addition to the remedies already provided in this section, any subject individual who suffers a loss or harm as a result of a violation of this section may be awarded an amount equal to ten thousand dollars or actual and punitive damages, whichever is greater, and in addition may be awarded reasonable attorney's fees, court costs, and any other remedies provided by law. Humiliation or embarrassment shall be adequate to show that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown.

483.140. JUDGE TO SUPERINTEND KEEPING OF RECORDS. — It shall be the special duty of every judge of a court of record to examine into and superintend the manner in which the rolls and records of the court are made up and kept; to prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the business of the court; to require that the records and files be properly maintained and entries be made at the proper times as required by law or supreme court rule, and that the duties of the clerks be performed according to law and supreme court rule; and if any clerk fail to comply with the law, the court shall proceed against him as for a misdemeanor. **The provisions of this section shall not be construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file, or communication from a court file or record without notification to the parties and providing the parties an opportunity to respond.**

544.216. POWERS OF ARREST, ARREST WITHOUT WARRANT ON SUSPICION PERSONS VIOLATING ANY LAW OF STATE INCLUDING INFRACTIONS, MISDEMEANORS AND ORDINANCES, EXCEPTION — POWER OF MUNICIPAL OFFICER IN UNINCORPORATED AREA. — Except as otherwise provided in section 544.157, any sheriff or deputy sheriff, any member

of the Missouri state highway patrol, and any county or municipal law enforcement officer in this state, except those officers of a political subdivision or municipality having a population of less than two thousand persons or which does not have at least four full-time nonelected peace officers unless such subdivision or municipality has elected to come under and is operating pursuant to the provisions of sections 590.100 to 590.150, may arrest on view, and without a warrant, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any **ordinance or** law of this state, including a misdemeanor or infraction, [or has violated any ordinance] over which such officer has jurisdiction. Peace officers of a municipality shall have arrest powers, as described in this section, upon lands which are leased or owned by the municipality in an unincorporated area. Ordinances enacted by a municipality, owning or leasing lands outside its boundaries, may be enforced by peace officers of the municipality upon such owned or leased lands. The power of arrest authorized by this section is in addition to all other powers conferred upon law enforcement officers, and shall not be construed so as to limit or restrict any other power of a law enforcement officer.

610.120. RECORDS TO BE CONFIDENTIAL — ACCESSIBLE TO WHOM, PURPOSES. — 1. Except as otherwise provided under section 610.124, records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by section 43.543 to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with section 43.507; to qualified entities for the purpose of screening providers defined in section 43.540; the department of revenue for driver license administration; the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

610.122. ARREST RECORD EXPUNGED, REQUIREMENTS. — 1. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:

(1) The court determines that the arrest was based on false information and the following conditions exist:

~~[(1)] (a)~~ There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

~~[(2)] (b)~~ No charges will be pursued as a result of the arrest; **and**

~~[(3)]~~ The subject of the arrest has no prior or subsequent misdemeanor or felony convictions;

~~[(4)] (c)~~ The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; [and

~~(5)~~ No civil action is pending relating to the arrest or the records sought to be expunged]

or

(2) The court determines the person was arrested for, or was subsequently charged with, a misdemeanor offense of chapter 303 or any moving violation as the term "moving violation" is defined under section 302.010, except for any intoxication-related traffic offense as "intoxication-related traffic offense" is defined under section 577.023 and:

(a) Each such offense or violation related to the arrest was subsequently nolle prossed or dismissed, or the accused was found not guilty of each offense or violation; and

(b) The person is not a commercial driver's license holder and was not operating a commercial motor vehicle at the time of the arrest.

2. A record of arrest shall only be eligible for expungement under this section if:

(1) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions; and

(2) No civil action is pending relating to the arrest or the records sought to be expunged.

SECTION 1. MANDATORY ELECTRONIC FILING JURISDICTIONS, NOTICE OF ENTRY OF APPEARANCE TO BE ACCEPTED, WHEN — EXPIRATION DATE. — All courts that require mandatory electronic filing shall accept, file, and docket a notice of entry of appearance filed by an attorney in a criminal case if such filing does not exceed one page in length and was sent by fax or regular mail. The provisions of this section shall expire on December 31, 2016.

Approved July 8, 2014

HB 1685 [CCS#2 SS HCS HB 1685]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows physicians to prescribe certain investigational drugs, biological products, or devices to certain eligible terminally ill patients

AN ACT to amend chapter 191, RSMo, by adding thereto one new section relating to the use of investigational drugs.

SECTION

A. Enacting clause.

191.480. Manufacturers may make investigational drugs and devices available to eligible patients, when — definitions — requirements.

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

SECTION A. ENACTING CLAUSE. — Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.480, to read as follows:

191.480. MANUFACTURERS MAY MAKE INVESTIGATIONAL DRUGS AND DEVICES AVAILABLE TO ELIGIBLE PATIENTS, WHEN — DEFINITIONS — REQUIREMENTS. — 1. For purposes of this section, the following terms shall mean:

- (1) "Eligible patient", a person who meets all of the following:
 - (a) Has a terminal illness;
 - (b) Has considered all other treatment options currently approved by the United States Food and Drug Administration and all relevant clinical trials conducted in this state;
 - (c) Has received a prescription or recommendation from the person's physician for an investigational drug, biological product, or device;
 - (d) Has given written informed consent which shall be at least as comprehensive as the consent used in clinical trials for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient's behalf; and
 - (e) Has documentation from the person's physician that the person has met the requirements of this subdivision;
- (2) "Investigational drug, biological product, or device", a drug, biological product, or device, any of which are used to treat the patient's terminal illness, that has successfully completed phase one of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial. The term shall not include Schedule I controlled substances;
- (3) "Terminal illness", a disease that without life-sustaining procedures will result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely.

2. A manufacturer of an investigational drug, biological product, or device may make available the manufacturer's investigational drug, biological product, or device to eligible patients under this section. This section does not require that a manufacturer make available an investigational drug, biological product, or device to an eligible patient. A manufacturer may:

- (1) Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation; or
- (2) Require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, biological product, or device.

3. This section does not require a health care insurer to provide coverage for the cost of any investigational drug, biological product, or device. A health care insurer may provide coverage for an investigational drug, biological product, or device.

4. This section does not require the department of corrections to provide coverage for the cost of any investigational drug, biological product, or device.

5. Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's recommendation to an eligible patient regarding prescription for or treatment with an investigational drug, biological product, or device. Action against a health care provider's Medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product, or device is prohibited.

6. If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. If the clinical trial is closed due to lack of efficacy or toxicity, the drug shall not be offered. If notice is given on a drug, product, or device taken by a patient outside of a

clinical trial, the pharmaceutical company or patient's physician shall notify the patient of the information from the safety committee of the clinical trial.

8. Except in the case of gross negligence or willful misconduct, any person who manufactures, imports, distributes, prescribes, dispenses, or administers an investigational drug or device to an eligible patient with a terminal illness in accordance with this section shall not be liable in any action under state law for any loss, damage, or injury arising out of, relating to, or resulting from:

(1) The design, development, clinical testing and investigation, manufacturing, labeling, distribution, sale, purchase, donation, dispensing, prescription, administration, or use of the drug or device; or

(2) The safety or effectiveness of the drug or device.

Approved July 14, 2014

HB 1689 [SCS HCS HB 1689]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding early childhood education programs and the funding formula for school districts that participate in the USDA Community Eligibility Option.

AN ACT to repeal sections 160.053, 160.054, 160.055, 163.011, and 163.031, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education, with an effective date.

SECTION

- A. Enacting clause.
- 160.053. Child eligible for prekindergarten, kindergarten, and summer school, when — child eligible for first grade, when — state aid exception.
- 160.054. Metropolitan districts — child eligible for prekindergarten, kindergarten, and summer school, when, how determined — child eligible for first grade, when, how determined — exceptions.
- 160.055. Urban districts — child eligible for prekindergarten, kindergarten, and summer school, when, how determined — child eligible for first grade, when, how determined.
- 163.011. Definitions — method of calculating state aid.
- 163.018. Early childhood education programs, pupils included in average daily attendance calculation, when — applicability for unaccredited districts, provisionally accredited districts, and other districts.
- 163.031. State aid — amount, how determined — categorical add-on revenue, determination of amount — district apportionment, determination of — waiver of rules — deposits to teachers' fund and incidental fund, when — state adequacy target adjustment, when.
- B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 160.053, 160.054, 160.055, 163.011, and 163.031, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.053, 160.054, 160.055, 163.011, 163.018, and 163.031, to read as follows:

160.053. CHILD ELIGIBLE FOR PREKINDERGARTEN, KINDERGARTEN, AND SUMMER SCHOOL, WHEN — CHILD ELIGIBLE FOR FIRST GRADE, WHEN — STATE AID EXCEPTION. —

1. **If a school district maintains a prekindergarten program, a child is eligible for admission to that prekindergarten program only if the child has reached the age of three before the first day of August of the school year beginning in that calendar year.** If a school district maintains a kindergarten program, a child is eligible for admission to kindergarten and to the summer school session immediately preceding kindergarten, if offered,

if the child reaches the age of five before the first day of August of the school year beginning in that calendar year or if the child is a military dependent who has successfully completed an accredited prekindergarten program or has attended an accredited kindergarten program in another state. A child is eligible for admission to first grade if the child reaches the age of six before the first day of August of the school year beginning in that calendar year or if the child is a military dependent who has successfully completed an accredited kindergarten program in another state.

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term in a metropolitan school district or an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and subsequently transferring to another school district in this state in which the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible for attendance and shall not be required to meet the minimum age requirements. The receiving school district shall receive state aid for the child, notwithstanding the provisions of section 160.051.

3. Any child who completes the kindergarten year shall not be required to meet the age requirements of a district for entrance into grade one.

4. The provisions of this section relating to kindergarten instruction and state aid therefor shall not apply during any particular school year to those districts which do not provide kindergarten classes that year.

160.054. METROPOLITAN DISTRICTS — CHILD ELIGIBLE FOR PREKINDERGARTENS, KINDERGARTEN, AND SUMMER SCHOOL, WHEN, HOW DETERMINED — CHILD ELIGIBLE FOR FIRST GRADE, WHEN, HOW DETERMINED — EXCEPTIONS. — 1. Notwithstanding any provisions of sections 160.051 and 160.053, to the contrary, beginning with the 1997-98 school year, all metropolitan school districts, except as provided in subsection 2 of this section, may establish and enforce a regulation which requires that a child shall have attained the age of **three by August first for purposes of prekindergarten if a school district maintains such a program, the age of five** for purposes of kindergarten and summer school prior to a kindergarten school term, and the age of six for purposes of grade one, on or before any date between August first and October first of that year. The school district shall receive state aid for any child admitted to kindergarten, summer school prior to kindergarten, or grade one pursuant to this section, notwithstanding the provisions of section 160.051.

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term in a metropolitan school district and subsequently transferring to another school district in this state in which the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible for attendance and shall not be required to meet the minimum age requirements. The receiving school district shall receive state aid for the child, notwithstanding the provisions of section 160.051.

3. Any child who completes the kindergarten year in a metropolitan school district shall not be required to meet the minimum age requirements of another school district in this state for entrance into grade one.

4. The provisions of subsections 1 and 2 of this section, relating to kindergarten instruction and state aid therefor, shall not apply during any particular school year to those districts which do not provide kindergarten classes that year.

160.055. URBAN DISTRICTS — CHILD ELIGIBLE FOR PREKINDERGARTEN, KINDERGARTEN, AND SUMMER SCHOOL, WHEN, HOW DETERMINED — CHILD ELIGIBLE FOR FIRST GRADE, WHEN, HOW DETERMINED. — 1. Notwithstanding any provisions of sections 160.051 and 160.053, to the contrary, beginning with the 1997-98 school year, all urban school districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants, except as provided in subsection 2 of this section, may establish and

enforce a regulation which requires that a child shall have attained the age of **three by August first for purposes of prekindergarten if a school district maintains such a program, the age of five** for purposes of kindergarten and summer school prior to a kindergarten school term, and the age of six for purposes of grade one, on or before any date between August first and October first of that year. The school district shall receive state aid for any child admitted to kindergarten, summer school prior to kindergarten, or grade one pursuant to this section, notwithstanding the provisions of section 160.051.

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term in an urban school district in this state containing the greater part of the population of a city which has more than three hundred thousand inhabitants and subsequently transferring to another school district in this state in which the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible for attendance and shall not be required to meet the minimum age requirements. The receiving school district shall receive state aid for the child, notwithstanding the provisions of section 160.051.

3. Any child who completes the kindergarten year in an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants shall not be required to meet the minimum age requirements of another school district in this state for entrance into grade one.

4. The provisions of subsections 1 and 2 of this section, relating to kindergarten instruction and state aid therefor, shall not apply during any particular school year to those districts which do not provide kindergarten classes that year.

163.011. DEFINITIONS — METHOD OF CALCULATING STATE AID. — As used in this chapter unless the context requires otherwise:

(1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011;

(2) "Average daily attendance", the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011 in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, "current operating expenditures" shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for

transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target. Beginning on July 1, 2010, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar-value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", **for school districts not eligible for and those that do not choose the USDA Community Eligibility Option**, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations. **For eligible school districts that choose the USDA**

Community Eligibility Option, the free and reduced lunch pupil count shall be the percentage of free and reduced lunch students calculated as eligible on the last Wednesday in January of the most recent school year that included household applications to determine free and reduced lunch count multiplied by the district's average daily attendance figure;

(7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) "Limited English proficiency pupil count", the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080 except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in the calculation outlined in paragraph (a) of this subdivision. **When a change in a school district's boundary lines occurs because of a boundary line change, annexation, attachment, consolidation, reorganization, or dissolution under section 162.071, 162.081,**

sections 162.171 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory from a district that ceases to exist for any reason, the department of elementary and secondary education shall make a proper adjustment to each affected district's local effort, so that each district's local effort figure conforms to the new boundary lines of the district. The department shall compute the local effort figure by applying the calendar year 2004 assessed valuation data to the new land areas resulting from the boundary line change, annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the procedures described in this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011 in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met [all] performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092 and as reported on the final annual performance report for that district each year; **for calculations to be utilized for payments in fiscal years subsequent to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of all public school districts;**

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program or services plan and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations **as provided in subsection 8 of section 163.031;**

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance", the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.018. EARLY CHILDHOOD EDUCATION PROGRAMS, PUPILS INCLUDED IN AVERAGE DAILY ATTENDANCE CALCULATION, WHEN — APPLICABILITY FOR UNACCREDITED DISTRICTS, PROVISIONALLY ACCREDITED DISTRICTS, AND OTHER DISTRICTS. — 1. Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced lunch and attend an early childhood education program that is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education, shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced lunch between the ages of three and eighteen who are included in the district's or charter school's calculation of average daily attendance.

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, the provisions of subsection 1 of this section shall become applicable during the 2015-2016 school year;

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration;

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-2017 school year;

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, the provisions of this section shall become applicable beginning in the 2016-2017 school year or immediately upon such declaration, whichever is later;

(5) For all other districts, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

163.031. STATE AID — AMOUNT, HOW DETERMINED — CATEGORICAL ADD-ON REVENUE, DETERMINATION OF AMOUNT — DISTRICT APPORTIONMENT, DETERMINATION OF — WAIVER OF RULES — DEPOSITS TO TEACHERS' FUND AND INCIDENTAL FUND, WHEN — STATE ADEQUACY TARGET ADJUSTMENT, WHEN. — 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state

revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) [Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b)] a. For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty-five percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty-five percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

e. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

[(c)] (b) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund. In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

8. Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations.

SECTION B. DELAYED EFFECTIVE DATE — Section A of this act shall become effective July 1, 2015.

Approved July 9, 2014

HB 1692 [SCS HB 1692]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires all members of a public water supply district board of directors to be voters who have resided in the district for one year prior to election

AN ACT to repeal sections 247.060 and 247.080, RSMo, and to enact in lieu thereof three new sections relating to public utility districts.

SECTION

- A. Enacting clause.
- 247.060. Board of directors — powers, qualifications, appointment, terms, vacancies, how filled — elections held, when, procedure — attendance fee — suspension of members, when.
- 247.080. Board — further powers.
- 249.424. Lateral sewer line repair, annual fee authorized — submitted to voters, ballot language — fee may be added to general tax levy bills.

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

SECTION A. ENACTING CLAUSE. — Sections 247.060 and 247.080, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 247.060, 247.080, and 249.424, to read as follows:

247.060. BOARD OF DIRECTORS — POWERS, QUALIFICATIONS, APPOINTMENT, TERMS, VACANCIES, HOW FILLED — ELECTIONS HELD, WHEN, PROCEDURE — ATTENDANCE FEE — SUSPENSION OF MEMBERS, WHEN. — 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his **or her** election], or if not a voter or resident of said district, shall have received service from the district at his or her primary place of residence one whole year immediately prior to his or her election]. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

247.080. BOARD — FURTHER POWERS. — 1. The exercise of the powers conferred upon the district by sections 247.010 to 247.220 shall be by its board of directors, acting as a board.

2. The board shall have power and it shall be its duty to employ necessary help and to contract for such professional service as the demands of the district require in creating and operating a waterworks system contemplated in this law, and shall pay out of the funds of the

district available for such purposes reasonable compensation for the service rendered. It shall have made by a competent accountant an annual audit of the receipts and expenditures of the district. All persons employed shall serve for an indefinite term and at the will of the board, and party politics shall not enter into the selection of employees.

3. The board shall have regular monthly meetings and the president thereof may call special meetings as occasion requires. It shall establish an office for its meeting place and for the transaction of business.

4. All persons charged with handling of funds shall be required to give bond to be fixed and approved by the board, but at the expense of the district.

5. All contracts made by the district shall conform to [law] **section 432.070** governing contracts [of other municipal corporations]. It shall have power to authorize and enter into all contracts in behalf of the district, and shall provide an official seal for district, and all official documents shall be attested by the seal.

249.424. LATERAL SERVER LINE REPAIR, ANNUAL FEE AUTHORIZED — SUBMITTED TO VOTERS, BALLOT LANGUAGE — FEE MAY BE ADDED TO GENERAL TAX LEVY BILLS. — 1. If approved by a majority of the voters voting on the proposal, and upon the adoption of a resolution by a majority of the sewer district's board of trustees, any sewer district established and organized under this chapter, may levy and impose annually a fee not to exceed thirty-six dollars per year within its boundaries for the repair of lateral sewer service lines on or connecting residential property having six or fewer dwelling units, except that the fee shall not be imposed on property in the sewer district that is located within any city, town, village, or unincorporated area of a county that already imposes a fee under section 249.422. Any sewer district that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or fewer condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association to notify the sewer district that they are not properly classified as provided in this section.

2. The question shall be submitted to the registered voters who reside within the boundaries of the sewer district, excluding any voters who live within the boundaries of any city, town, village, or unincorporated area of a county that already imposes a fee under section 249.422. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed thirty-six dollars be assessed annually on residential property for each lateral sewer service line serving six or fewer dwelling units on that property and condominiums that have six or fewer condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES

NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, any sewer district established and organized under this chapter may, upon the adoption of a resolution by a majority of the sewer district's board of trustees, collect and administer such fee in order to protect the public health, welfare, peace, and safety. The funds collected shall be deposited in a special account to be used

solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

4. The collector in any county containing a sewer district that adopts a resolution under this section to collect a fee for the repair of lateral sewer service lines may add such fee to the general tax levy bills of property owners within the boundaries of the sewer district, excluding property located in any city, town, village, or unincorporated area of the county that already imposes a fee under section 249.422. All revenues received on such combined bill for the purpose of providing for the repair of lateral sewer service lines shall be separated from all other revenues so collected and credited to the special account established by the sewer district under subsection 3 of this section.

5. If a city, town, village, or county, which is within the sewer district and imposed a fee under section 249.422, later rescinds such fee after voters authorized the fee provided under this section, the sewer district may submit the question provided under subsection 2 of this section to the registered voters of such city, town, village, or county that have property within the boundaries of the sewer district. If a majority of voters voting on the proposal approve, the sewer district may levy and impose the fee as provided under this section on property within such city, town, village, or county.

Approved June 23, 2014

HB 1693 [HB 1693]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding unclaimed property

AN ACT to repeal sections 447.560 and 447.584, RSMo, and to enact in lieu thereof three new sections relating to unclaimed property, with a penalty provision and an emergency clause.

SECTION

- A. Enacting clause.
 - 447.534. United States savings bonds deemed abandoned, when — proceeds to escheat to the state, when — filing of a claim, procedure.
 - 447.560. Record of property, content — retained for public inspection — information not public record, when — public record, when — penalty for disclosure — military medals, procedure — United States savings bonds, procedure.
 - 447.584. Agreements — property held by business entities in other states or governmental entities — treasurer, duties — fees.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 447.560 and 447.584, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 447.534, 447.560, and 447.584, to read as follows:

447.534. UNITED STATES SAVINGS BONDS DEEMED ABANDONED, WHEN — PROCEEDS TO ESCHATE TO THE STATE, WHEN — FILING OF A CLAIM, PROCEDURE. — 1. Notwithstanding the provisions of subsection 2 of section 447.532, section 447.533, and subsection 1 of section 447.545, United States savings bonds, which are unclaimed property and subject to the provisions of sections 447.500 to 447.595 shall be deemed

abandoned when they have remained unclaimed for more than three years after their date of maturity and such bonds and the proceeds from such bonds, including all principal and interest due, in the possession of the treasurer or with an owner whose last known address is located in Missouri shall escheat to the state of Missouri three years after becoming unclaimed property by virtue of the provisions of sections 447.500 to 447.595 and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri according to the procedure set forth in subsections (1) through (3):

(1) After one hundred eighty days following the second three year period referenced in section 1, if no claim has been approved in accordance with the provisions of section 447.562 for such United States savings bonds or proceeds from such bonds, the treasurer shall commence a civil action in the circuit court of Cole county for a determination that such United States savings bonds and the proceeds from such bonds shall escheat to the state of Missouri. The treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the treasurer's custody to justify the expense of such proceedings.

(2) If no person shall file a claim or appear at the hearing to substantiate a claim or where the court determines that a claimant is not entitled to the United States savings bonds or proceeds from such bonds claimed by such claimant, then the court, if satisfied by evidence that the treasurer has substantially complied with the laws of the state of Missouri, shall enter a judgment that the subject United States savings bonds and the proceeds from such bonds have escheated to the state of Missouri, and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri.

(3) The treasurer shall redeem such United States savings bonds escheated to the state of Missouri and the proceeds from such redemption of United States savings bonds shall be deposited in the abandoned fund account created by section 447.543.

2. Any person making a claim for the United States savings bonds escheated to the state of Missouri, or for the proceeds from such bonds, may file a claim in accordance with the provisions of section 447.562. Upon providing sufficient proof of the validity of such person's claim, the treasurer may pay such claim in accordance with the provisions of section 447.565.

447.560. RECORD OF PROPERTY, CONTENT — RETAINED FOR PUBLIC INSPECTION — INFORMATION NOT PUBLIC RECORD, WHEN — PUBLIC RECORD, WHEN — PENALTY FOR DISCLOSURE — MILITARY MEDALS, PROCEDURE — UNITED STATES SAVINGS BONDS, PROCEDURE. — 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that,

no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

5. The treasurer shall retain a record of the name and, if known, the last known address of each person named on the United States savings bonds which have escheated to the state of Missouri and which have been redeemed by the treasurer under section 447.534. The record shall be made public and available for public inspection at all reasonable business hours. In addition, if a United States savings bond is redeemed in an amount that is less than fifty dollars, the amount redeemed may be made available as public information. No other information furnished to the treasurer in regard to such United States savings bonds, including Social Security numbers or other identifying information shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses, or permits the inspection of such information shall be guilty of a misdemeanor.

447.584. AGREEMENTS — PROPERTY HELD BY BUSINESS ENTITIES IN OTHER STATES OR GOVERNMENTAL ENTITIES — TREASURER, DUTIES — FEES. — The treasurer, with the approval of the governor, may enter into agreements with any person, firm or corporation to assist in the identification, collection, and processing of abandoned **or escheated** property held by any business entity domiciled and located in another state **or any governmental entity**. The treasurer may agree to pay a fee for such services based in whole or in part on a percentage of the value of any property received pursuant to such agreements. Any expenses paid pursuant to this section may not be deducted from the amount subject to claim [by the owner] under sections 447.500 to 447.595.

SECTION B. EMERGENCY CLAUSE. — Because of the need to protect the interests of the state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2014

HB 1710 [HCS HB 1710]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the Missouri National Guard Foundation Fund and authorizes a designation of tax refunds to the fund

AN ACT to amend chapter 143, RSMo, by adding thereto one new section relating to refund donations to the Missouri national guard foundation fund.

SECTION

A. Enacting clause.

143.1027. Missouri National Guard Foundation Fund, tax refund contribution may be designated — fund created — director's duties.

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

SECTION A. ENACTING CLAUSE. — Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.1027, to read as follows:

143.1027. MISSOURI NATIONAL GUARD FOUNDATION FUND, TAX REFUND CONTRIBUTION MAY BE DESIGNATED — FUND CREATED — DIRECTOR'S DUTIES. — **1.** For all taxable years beginning on or after January 1, 2014, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Missouri national guard foundation fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

2. There is hereby created in the state treasury the "Missouri National Guard Foundation Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The treasurer shall distribute all moneys deposited in the fund at least monthly to the Missouri National Guard Foundation.

3. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2014, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved July 10, 2014

HB 1724 [HB 1724]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows the Adjutant General to provide financial assistance or services from the Missouri Military Family Relief Fund to families or members of the Armed Forces of the United States or a member of the Missouri

AN ACT to repeal section 41.216, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

SECTION

- A. Enacting clause.
41.216. Grants and financial assistance from the Missouri military family relief fund, who may authorize — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Section 41.216, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 41.216, to read as follows:

41.216. GRANTS AND FINANCIAL ASSISTANCE FROM THE MISSOURI MILITARY FAMILY RELIEF FUND, WHO MAY AUTHORIZE — RULEMAKING AUTHORITY. — 1. Subject to appropriation and upon the recommendation of a panel consisting of a sergeant major of the Missouri National Guard, a sergeant major of a reserve component or its equivalent, and a representative of the Missouri veterans commission who shall establish criteria for the grants by the promulgation of rules and regulations, the adjutant general shall have the power to make grants **or provide other financial assistance or services** from the Missouri military family relief fund to families of persons who are members of the Missouri National Guard or Missouri residents who are members of the reserves of the Armed Forces of the United States [and who have been called to active duty as a result of the September 11, 2001, terrorist attacks].

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

Approved July 3, 2014

HB 1735 [SS SCS HCS HBs 1735 & 1618]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows for the sale of motorcycles on Sundays in Platte County and Jackson County

AN ACT to repeal sections 301.010, 301.700, and 578.120, RSMo, and to enact in lieu thereof three new sections relating to ownership of certain vehicles, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 301.010. Definitions.
- 301.700. Titling, transfer of all-terrain vehicle, how — fees, deposited in general revenue fund.
- 578.120. Sale of motor vehicles on Sunday prohibited, exceptions — encouragement by certain associations to remain closed on Sundays not a violation of antitrust laws — violations, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 301.010, 301.700, and 578.120, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.010, 301.700, and 578.120, to read as follows:

301.010. DEFINITIONS. — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires], with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control];

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

(14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local

log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(35) "Motorcycle", a motor vehicle operated on two wheels;

(36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(38) "Municipality", any city, town or village, whether incorporated or not;

(39) "Nonresident", a resident of a state or country other than the state of Missouri;

(40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(41) "Operator", any person who operates or drives a motor vehicle;

(42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease

thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

(43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty-four] **more than fifty** inches [or less] **but no more than sixty-seven inches** in width, with an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway tires[, with a nonstraddle seat, and steering wheel,] **and** which may have access to ATV trails;

(48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(49) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

(50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

(52) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(53) "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is [sixty-three] **more than fifty** inches [or less] **but no more than sixty-seven inches** in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.700. TITLING, TRANSFER OF ALL-TERRAIN VEHICLE, HOW — FEES, DEPOSITED IN GENERAL REVENUE FUND. — All-terrain vehicles shall be treated in the same manner as motor vehicles, pursuant to this chapter, for the purposes of transfer, titling, perfection of liens and encumbrances, and the collection of all taxes, fees and other charges. Funds collected by the department of revenue pursuant to sections 301.700 to 301.714 shall be deposited by the director in the state treasury to the credit of the general revenue fund. **An applicant that purchases a used all-terrain vehicle after August 28, 2014, that was defined as a utility or recreation off-highway vehicle prior to August 28, 2014, may present a notarized bill of sale as evidence of lawful ownership when a certificate of title has not been issued for such all-terrain vehicle.**

578.120. SALE OF MOTOR VEHICLES ON SUNDAY PROHIBITED, EXCEPTIONS — ENCOURAGEMENT BY CERTAIN ASSOCIATIONS TO REMAIN CLOSED ON SUNDAYS NOT A VIOLATION OF ANTITRUST LAWS — VIOLATIONS, PENALTY. — 1. Notwithstanding any provision in this chapter to the contrary, no dealer, distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or used, on Sunday. However, this section

does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; **the sale of motorcycles as that term is defined in section 301.010; the sale of motortricycles, motorized bicycles, all-terrain vehicles, recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized vehicles customarily sold by powersports dealers licensed pursuant to sections 301.550 to 301.560;** washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

2. No association consisting of motor vehicle dealers, distributors or manufacturers licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under chapter 416 or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle.

3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.

Approved June 23, 2014

HB 1779 [SCS HCS HB 1779]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding mental health facility safety

AN ACT to repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to mental health facility safety provisions.

SECTION

A. Enacting clause.

630.175. Physical and chemical restraints prohibited, exceptions — requirements for APRN determinations — security escort devices and certain extraordinary measures not considered physical restraint.

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

SECTION A. ENACTING CLAUSE. — Section 630.175, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.175, to read as follows:

630.175. PHYSICAL AND CHEMICAL RESTRAINTS PROHIBITED, EXCEPTIONS — REQUIREMENTS FOR APRN DETERMINATIONS — SECURITY ESCORT DEVICES AND CERTAIN EXTRAORDINARY MEASURES NOT CONSIDERED PHYSICAL RESTRAINT. — 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632, and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility [or], the attending licensed physician, **or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician** that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. **An advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician may make a determination that the chosen intervention is necessary for patients,**

residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

- (1) Four hours duration in the case of a person under eighteen years of age;
- (2) Eight hours duration in the case of a person eighteen years of age or older; or
- (3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, **or the advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician.**

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, **or the advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician** that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, **or the advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician** that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, "division" shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person's individual support plan. Direct care staff that serve persons with developmental disabilities in

habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer's individual support plan.

Approved June 20, 2014

HB 1791 [SCS HB 1791]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes the Governor to convey specified state properties

AN ACT to authorize the governor to convey property owned by the state.

SECTION

1. Nevada Rehabilitation Center, governor authorized to convey property in Vernon County.
2. Bancroft Avenue Group Home, governor authorized to convey property in St. Louis City.
3. Creve Coeur Avenue Group Home, governor authorized to convey property in St. Louis County.
4. Greenbough Group Home, governor authorized to convey property in St. Louis County.
5. Western Reception and Diagnostic Correctional Center, governor authorized to convey a portion of property in Buchanan County.
6. Western Reception and Diagnostic Correctional Center, governor authorized to convey a portion of property in Buchanan County.
7. Pullan Road, governor authorized to convey a portion of property in St. Francois County.
8. Missouri State Highway Patrol Troop H, governor authorized to convey a portion of property in Buchanan County.
9. Sikeston Career Center, governor authorized to convey a portion of property in Scott County.
10. Hannibal Career Center, governor authorized to convey property in Marion County.
11. Sedalia Career Center, governor authorized to convey property in Pettis County.
12. St. Louis Central Career Center, governor authorized to convey property in St. Louis County.
13. Penney State Office Building, governor authorized to convey property in Greene County.
14. New Dawn State School, governor authorized to convey road and utility easement for property in Scott County.
15. 3219 Forest Avenue, governor authorized to convey state property in Kansas City.
16. DMH Albany Regional Office, governor authorized to convey property in Gentry County.
17. St. Louis State Psychiatric Hospital, governor authorized to convey property in St. Louis City.
18. National Guard Readiness Center, governor authorized to convey property in Springfield.
19. Governor authorized to convey property in City of St. Joseph.

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

SECTION 1. NEVADA REHABILITATION CENTER, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN VERNON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Nevada Rehabilitation Center, Vernon County, Missouri, described as follows:

Tract 1:

A tract of land being located in the Northwest 1/4 of Section 33 and the Northeast 1/4 of Section 32 all in Township 36 North, Range 31 West of the 5th P.M., Vernon County, Missouri, being described as follows:

Beginning at the Northwest corner of said Northwest 1/4; thence S88°18'28"E along the North line of said Northwest 1/4, a distance of 2629.18 feet to an existing 1/2" iron pin at the Northeast Corner of said Northwest 1/4; thence S02°13'14"W along the East line of said Northwest 1/4, a distance of 1219.36 feet to an existing 1/2" iron pin; thence N88°36'07"W a distance of 496.23 feet to an existing 1/2" iron pin; thence S02°17'05"W a distance of 100.17 feet to the

Northwest Corner of Nevada Public School Addition, a subdivision located in Nevada, Vernon County, Missouri; thence N88°16'25"W a distance of 820.01 feet to the Northeast Corner of the Southwest 1/4 of said Northwest 1/4; thence S02°17'44"W along the East line of said Southwest 1/4, Northwest 1/4, a distance of 41.98 feet; thence N88°05'30"W a distance of 301.23 feet; thence S02°00'09"W a distance of 150.98 feet; thence N88°05'48"W a distance of 45.65 feet measured (45.50' deeded) to an existing 1/2" iron pin; thence N88°19'19"W a distance of 56.19 feet measured (55.90' deeded) to an existing 5/8" iron pin; thence S62°58'10"W a distance of 65.33 feet measured (65.44' deeded) to an existing 5/8" iron pin; thence N88°12'25"W a distance of 122.35 feet measured (122.32' deeded) to an existing 5/8" iron pin; thence N88°11'39"W a distance of 156.02 feet to an existing P/K nail; thence S01°46'44"W a distance of 68.45 feet measured (68.00' deeded) thence N88°13'16"W a distance of 23.02 feet measured (23.91' deeded) thence S04°01'50"W a distance of 103.76 feet measured (103.72' deeded) thence S88°13'16"E a distance of 181.53 feet measured (180.01' deeded) thence S02°18'32"W a distance of 13.08 feet measured (13.29' deeded); thence N88°10'53"W a distance of 153.61 feet measured (155.00' deeded) to an existing 1/2" iron pin; thence S01°46'44"W a distance of 80.00 feet; thence N88°13'16"W a distance of 216.16 feet; thence N02°02'19"E a distance of 79.90 feet measured (80.00' deeded) to an existing 1/2" iron pin; thence N88°07'15"W a distance of 115.30 feet measured (115.00' deeded) to an existing 1/2" iron pin; thence N02°46'44"E a distance of 185.15 feet measured (185.00' deeded); thence N88°11'51"W a distance of 251.92 feet measured (249.83' deeded) to the West line of said Northwest 1/4; thence N02°21'48"E along said West line, a distance of 34.44 feet; thence N87°07'58"W a distance of 198.51 feet measured (200.00' deeded) to an existing 1/2" iron pin; thence N02°16'36"E a distance of 380.00 feet to an existing 1/2" iron pin; thence S87°08'04"E a distance of 199.08 feet measured (200.00' deeded) to an existing 1/2" iron pin at the West line of said Northwest 1/4; thence N02°21'48"E along said West line, a distance of 1128.63 feet returning to the Point of Beginning. Having an Area of 87.58 acres.

Subject to road right of ways and easements, public and private, as may now be located.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 2. BANCROFT AVENUE GROUP HOME, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN ST. LOUIS CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Bancroft Avenue Group Home, St. Louis City, Missouri, described as follows:

Lots 38, 39 and 40 of Lindenwood, and in Block 4989 of the City of St. Louis, together fronting 150 feet on the North line of Bancroft Avenue, by a depth Northwardly of 150 feet to the dividing line of said Block; bounded East by Wabash Avenue.

Together with all improvements thereon, being known as and numbered 7109 Bancroft Avenue.

Subject to easements, conditions, restrictions, reservations, rights-of-way, building lines, zoning laws or ordinances affecting said property.

Subject to restrictions according to deed recorded in Book 1094 page 436.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 3. CREVE COEUR AVENUE GROUP HOME, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN ST. LOUIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Creve Coeur Avenue Group Home, St. Louis County, Missouri, described as follows:

Adjusted Tract 1 of The Boundary Adjustment Plat of Wilcox Place Lot 3 and Part of Lot 17 of William Triplett's Estate, a subdivision in St. Louis County, Missouri according to the plat thereof recorded in Plat Book 354 Page 315 of the St. Louis County Records.

Together with all improvements thereon known and numbered as 232 Creve Coeur Ave.

Subject to existing building lines, easements, conditions, restrictions, zoning regulations, etc., now of record, if any.

Subject to the agreement for right of first refusal executed between the parties and recorded of even date herewith.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 4. GREENBOUGH GROUP HOME, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN ST. LOUIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Greenbough Drive Group Home, St. Louis County, Missouri, described as follows:

LOT 212 OF OLD FARM ESTATES ADDITION PLAT TEN, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 124 PAGE 48 OF THE ST. LOUIS COUNTY RECORDS.

Subject to restrictions of record, conditions, reservations and easements, zoning ordinances, if any, and general taxes and assessments, not yet due and payable.

Together with all improvements thereon, being known as and numbered 13100 Greenbough Drive.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 5. WESTERN RECEPTION AND DIAGNOSTIC CORRECTIONAL CENTER, GOVERNOR AUTHORIZED TO CONVEY A PORTION OF PROPERTY IN BUCHANON COUNTY. —

1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a portion of the property known as the Western Reception and Diagnostic Correctional Center, Buchanan County, Missouri, described as follows:

A tract of land in the West 1/2 of the Northeast Quarter, of Section 10, Township 57 North, Range 35 West, St. Joseph, Buchanan County, Missouri, and being more particularly described as follows:

Commencing at the North Quarter Corner, of said Section 10-57-35; thence South 00°37'53" East, along the West line of said Northeast Quarter, a distance of 30.00 feet, to a point on the South Right-of-Way line of Frederick Avenue, a public road, as now established, said point also being the Point of Beginning; thence South 89°51'44" East, departing said West line, and along said South Right-of-Way line, a distance of 434.35 feet; thence South 00°30'40" East, departing said South Right-of-Way line, a distance of 274.13 feet; thence South 88°13'20" West, a distance of 17.42 feet; thence South 00°09'08" East, a distance of 120.25 feet; thence South 39°57'56" West, a distance of 55.86 feet; thence North 89°42'40" West, a distance of 379.02 feet, to a point on the West line of said Northeast Quarter; thence North 00°37'53" West, along said West line, a distance of 436.88 feet, to the Point of Beginning, containing 186,084.24 square feet or 4.2719 acres.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 6. WESTERN RECEPTION AND DIAGNOSTIC CORRECTIONAL CENTER, GOVERNOR AUTHORIZED TO CONVEY A PORTION OF PROPERTY IN BUCHANON COUNTY.—

1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a portion of the property known as the Western Reception and Diagnostic Correctional Center, Buchanan County, Missouri, described as follows:

A tract of land in the West 1/2 of the Northeast Quarter, of Section 10, Township 57 North, Range 35 West, St. Joseph, Buchanan County, Missouri, and being more particularly described as follows:

Commencing at the North Quarter Corner, of said Section 10-57-35; thence South 00°37'53" East, along the West line of said Northeast Quarter, a distance of 466.88 feet, to the Point of Beginning; thence South 89°42'40" East, departing the West line of said Northeast Quarter, a distance of 175.81 feet; thence South 02°16'44" East, a distance of 109.06', to a point of curvature; thence Southerly, along a curve to the right, having a radius of 473.50 feet, and a central angle of 11°55'34", a distance of 98.56 feet, to point of tangency; thence South 09°38'49" West, a distance of 25.88 feet, to a point of curvature; thence Southerly, along a curve to the left, having a radius of 1,209.00 feet, and a central angle of 05°38'09", a distance of 118.92 feet, to a point of tangency; thence South 04°00'41" West, a distance of 136.64 feet; thence South 00°37'02" East, a distance of 643.66 feet; thence South 89°22'07" West, a distance of 140.25 feet, to a point on the West line of said Northeast Quarter; thence North 00°37'53" West, along the West line of said Northeast Quarter, a distance of 1,133.12 feet, to the Point of Beginning, containing 170,093.27 square feet or 3.9048 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 7. PULLAN ROAD, GOVERNOR AUTHORIZED TO CONVEY A PORTION OF PROPERTY IN ST. FRANCOIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a portion of the property known as Pullan Road in St. Francois County, Missouri, described as follows:

Part of Lot 94 of F.W. Rohland's Subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:

From the southeast corner of said Lot 94; thence westerly, along the southerly line of said Lot 94, 504.00 feet, more or less, to the southeast corner of a 30 foot strip of land for roadway described by deed of record in Book 163, page 303, St. Francois County Recorder's Office; thence northerly, along the easterly line of said 30 foot strip and the northerly extension thereof, 1551.60 feet, more or less, to the northerly line of said Lot 94; thence westerly, along the northerly line of said Lot 94, 30.00 feet to the northeasterly corner of Lot 3 of Doubet Subdivision as per plat of record in Plat Book 2008R, page 7328, St. Francois County Recorder's Office; thence southerly, along the easterly line of Lot 3 of said subdivision and the southerly extension thereof, 1551.60 feet, more or less to the south line of said Lot 94; thence easterly, along the southerly line of said Lot 94, 30.00 feet to the point of beginning.

The above description is intended to represent a 30 foot strip of land for the existing roadway shown as an unnamed street by the St. Francois County Assessor but shown as Pullan Road on the plat of record in Plat Book 2008R, page 7328, St. Francois County Recorder's Office.

The above description is also intended to be over and across the 30 foot strip of land excepted from the easterly side of tracts of land described in Book 163, page 303, Book 834, page 413 and Book 1441, page 1824, St. Francois County Recorder's Office.

The State of Missouri shall retain a perpetual Ingress/Egress Easement over said 30' Strip.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 8. MISSOURI STATE HIGHWAY PATROL TROOP H, GOVERNOR AUTHORIZED TO CONVEY A PORTION OF PROPERTY IN BUCHANAN COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a portion of the property known as Missouri State Highway Patrol Troop H in Buchanan County, Missouri, described as follows:

Beginning at an iron pipe, the northeast corner of Hartman's Subdivision in the southwest quarter of the northeast quarter of the Section thirty-four (34) Township fifty-eight (58) north, Range thirty-five (35) west of the 5th P.M., thence west five hundred forty-five and six tenths (545.6) feet, to an iron pipe on the east right-of-way line of the Belt Highway, thence northerly on a curve of one thousand eight hundred seventy and one tenth (1870.1) feet radius concave to the east the tangent of said curve bears north 3°36' west on hundred ninety-nine and three tenths (199.3) feet to a concrete monument, thence easterly five (5) feet to a concrete monument, thence northerly on a curve one thousand eight hundred sixty-five and one tenth (1865.1) feet radius concave to the east ninety-four and

sixty-four hundredths (94.64) feet to a concrete monument, thence north $0^{\circ}40'$ east one hundred twenty-three and eight tenths (123.8) feet to a monument, thence north 35° east three hundred fourteen (314) feet to a concrete monument, thence north $38^{\circ}29'$ east two hundred ten (210) feet to the north line of said southwest quarter of the northeast quarter, thence east with then north line of said southwest quarter of the northeast quarter one hundred seventy five (175) feet, thence south eight hundred thirteen (813) feet to the place of beginning, containing eight and nine tenths (8.9) acres more or less.

Subject to right-of-way of public road along the north side thereof.

Subject to right-of-way for State Highway along the west side thereof containing one and fifteen hundredths (1.15) acres which has been heretofore obtained by the State for road purposes by deed and condemnation.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 9. SIKESTON CAREER CENTER, GOVERNOR AUTHORIZED TO CONVEY A PORTION OF PROPERTY IN SCOTT COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a portion of the property known as the Sikeston Career Center in Scott County, Missouri, described as follows:

Tract 1:

A tract or parcel of land being a part of USPS 614, T 26 N, R14 E of the 5th P.M., also a part of Lot 1, Block 40 in the City of Sikeston, Scott County, Missouri, and more fully described as follows:

Beginning at the northwest corner of Lot 1 in outblock 40, thence N $71^{\circ}24'E$ along the north line of said Lot one, 120 feet to a point, thence S $12^{\circ}34'E$ a distance of 80.05 feet, thence S $77^{\circ}26'W$ a distance of 119.34 feet to a point in the West line of said Lot one, thence N $12^{\circ}34'W$ on and along the West line of said Lot one a distance of 67.92 feet to the point of beginning.

Tract 2:

A tract or parcel of land being a part of Lot 1 of Outblock 40 in the City of Sikeston, Scott County, Missouri, and more particularly described as follows:

Beginning at the NW corner of said Lot No. 1 of Outblock 40; thence N $71^{\circ}24'E$, on and along the north line of aforesaid Lot 1 a distance of 120.0 feet to the point of beginning proper; thence continuing N $71^{\circ}24'E$, a distance of 72.0 feet; thence S $12^{\circ}34'E$ a distance of 87.62 feet; thence S $77^{\circ}26'W$ a distance of 71.60 feet; thence N $12^{\circ}34'W$ a distance of 80.085 feet to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 10. HANNIBAL CAREER CENTER, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN MARION COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Hannibal Career Center, Marion County, Missouri, described as follows:

All of the North One-half of Lot 2, in Block 41 in the City of Hannibal, Marion County, Missouri.

All of the South one half (S½) of Lot Two (2) in Block Forty one (41) in the City of Hannibal, Marion County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 11. SEDALIA CAREER CENTER, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN PETTIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Sedalia Career Center, Pettis County, Missouri, described as follows:

Lot number Nine (9) and Twenty-Two (22) feet and One (1) inch in width off of the West side of Lot number Eight (8) in Block number Ten (10) of Sarah E. Smith and Martha E. Martin's First Addition to the City of Sedalia, Missouri. Being part of the west half of Lot number One (1) of the North-West Quarter of Section number Three (3), in Township number Forty-Five (45) North, of Range number Twenty-One (21) West of the Fifth Principal Meridian, in the County of Pettis and State of Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 12. ST. LOUIS CENTRAL CAREER CENTER, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN ST. LOUIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the St. Louis Central Career Center, St. Louis County, Missouri, described as follows:

Parcel 1: Lots 1 and 2 in Block 3 of Aubert Place and in Block 3763-S of the City of St. Louis, together fronting 120 feet on the North line of Delmar Boulevard, by a depth Northwardly of 167 feet 6 inches, more or less, to an alley; bounded West by Lot 3 of said block and subdivision and East by Bayard Avenue.

Parcel 2: The Eastern 70 feet, more or less, of Lots 41 and 42 in Block 3 of Aubert Place and in Block 3763-S of the City of St. Louis, fronting 70 feet more or less, on the South line of Enright Avenue, by a depth Southwardly of 111 feet 5-7/8 inches to an alley; bounded East by Bayard Avenue.

Parcel 3: Lot 3 and the Southern 117 feet 6 inches of the Eastern 5-1/2 inches of Lot 4 in the Block 3 of Aubert Place and in Block 3763-S of the City of St. Louis, beginning at a point in the North line of Delmar Boulevard 59 feet 6-1/2 inches East of the West line of said Lot 4, thence North and parallel to the West line of Lot 4, 117 feet 6 inches to a point 50 feet South of the South line of an alley; thence East 5-1/2 inches to the West line of Lot 3; thence North 50 feet to the South line of said alley; thence East 60 feet to the East line of said Lot 3; thence South 167 feet 6 inches to the North line of Delmar Boulevard; thence West on the North line of Delmar Boulevard 60 feet 5-1/2 inches to the point of beginning.

Parcel 4: The Northern 50 feet of the Eastern 5-1/2 inches of Lot 4 in Block 3 of Aubert Place and in Block 3763-S of the City of St. Louis, bounded North by an

alley, East by Lot 3; South by a line parallel to and 117 feet 6 inches North of Delmar Boulevard and West by the Western 59 feet 6-1/2 inches of Lot 4.

The Western 59 feet 6-1/2 inches of Lot 4 in Block 3 of Aubert Place and in Block 3763-S of the City of St. Louis, fronting 59 feet 6-1/2 inches on the North line of Delmar Boulevard by a depth Northwardly of 167 feet 6 inches to an alley, including that portion of said alley vacated by Ordinance No. 58373.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 13. PENNEY STATE OFFICE BUILDING, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN GREENE COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Penney State Office Building, Greene County, Missouri, described as follows:

The North Fifty-eight and Seventy-five One Hundredths (58.75)feet of Lot Twenty-four (24) Block Six (6) ORIGINAL PLAT OF SPRINGFIELD, MISSOURI; Also that part of Lot Fifteen (15) Block Six (6) lying South of the following described line to-wit: Beginning at a point One (1) foot North of a point 39 feet 5 1/2 inches East of the Southeast corner of the O'Day Building on the North side of the Public Square, thence East to Pearl Alley, being the South One (1) foot, more or less, Except the West One (1) foot, Eleven and one-half (11½) inches of Lot Fifteen (15) Block Six (6) ORIGINAL PLAT OF SPRINGFIELD, MISSOURI.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 14. NEW DAWN STATE SCHOOL, GOVERNOR AUTHORIZED TO CONVEY ROAD AND UTILITY EASEMENT FOR PROPERTY IN SCOTT COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey a road and utility easement over, on, and under property owned by the state of Missouri located at the New Dawn State School, Scott County Missouri, to the Sikeston R-6 School District, described as follows:

ROAD & UTILITY EASEMENT:

A part of the Northeast Quarter of the Northwest Quarter of Section 28, Township 26 North, Range 14 East, Scott County, Missouri and being further described by metes and bounds as follows:

Commencing at the Southwest corner of Lot 9, Block 7 of Glenn & Clara Matthews East Acres as recorded in the office of the Scott County Recorder of Deeds in Plat Book 13 on Page 12 for the point of beginning thence N 89°18'32" E along the South line thereof a distance of 120.00 feet; thence continuing N 89°18'32" E a distance of 100.98 feet; thence S 62°48'09" W a distance of 112.03 feet; thence S 89°18'32" W parallel to the South line of said Lot 9 a distance of 120.72 feet to the East right-of-way line of Glenn Street; thence N 0°41'28" W along said right-of-way line a distance of 50.00 feet to the point of beginning and containing 0.20 acres, more or less.

Subject to any and all easements, if any, affecting the same.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 15. 3219 FOREST AVENUE, GOVERNOR AUTHORIZED TO CONVEY STATE PROPERTY IN KANSAS CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located at 3219 Forest Avenue, Kansas City, Jackson County, Missouri, described as follows:

The South 44 ½ feet of the North 80 of Lot 16, LINWOOD, a subdivision in Kansas City, Jackson County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 16. DMH ALBANY REGIONAL OFFICE, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN GENTRY COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located at the DMH Albany Regional Office, Gentry County, Missouri, described as follows:

All that part of the Northeast Quarter of Section 19, Township 63 North, Range 30 West, in the City of Albany, Gentry County, Missouri, described as follows: COMMENCING at the Northwest corner of Lot 1, Block 1, Country Boys Addition, a subdivision in the City of Albany, Gentry County, Missouri; thence South 89 degrees 53 minutes 51 seconds East along the North line of Blocks 1, 2, and 3 of said Country Boys Addition a distance of 557.39 feet to the POINT OF BEGINNING; thence North 0 degrees 17 minutes 46 seconds East a distance of 500.00 feet to a point on the North line of a Warranty Deed as filed in Book 211 at Page 1, Gentry County, Missouri; thence South 89 degrees 53 minutes 51 seconds East along the North line of said Warranty Deed a distance of 312.91 feet to a point on the West line of an existing 20 foot wide alley as established by said Country Boys Addition; thence South 0 degrees 17 minutes 46 seconds West along the West line of said alley a distance of 500.00 feet to a point on the North line of Lot 6, block 4 of said Country Boys Addition; thence North 89 degrees 53 minutes 51 seconds West along the North line of Blocks 4 and 3 of said Country Boys Addition a distance of 312.91 feet to the POINT OF BEGINNING and containing 156,456 Square Feet or 3.5917 Acres, more or less.

Access Easement

All that part of the Northeast Quarter of Section 19, Township 63 North, Range 30 West, in the City of Albany, Gentry County, Missouri, described as follows: COMMENCING at the Northwest corner of Lot 1, Block 1, Country Boys Addition, a subdivision in the City of Albany, Gentry County, Missouri; thence South 89 degrees 53 minutes 51 seconds East along the North line of Blocks 1, 2, and 3 of said Country Boys Addition a distance of 557.39 feet to a point; thence North 0 degrees 17 minutes 46 seconds East a distance of 475.00 feet to the POINT OF BEGINNING; thence North 89 degrees 53 minutes 51 seconds West a distance of 558.92 feet to a point on the East right of way line of 13th Street; thence North 0 degrees 06 minutes 41 seconds East along the East right of way line of 13th Street a distance of 25.00 feet to the Northwest corner of a

Warranty Deed as filed in Book 211 at Page 1, Gentry County, Missouri; thence South 89 degrees 53 minutes 51 seconds East along the North line of said Warranty Deed a distance of 559.00 feet to a point; thence South 0 degrees 17 minutes 46 seconds West a distance of 25.00 feet to the POINT OF BEGINNING and containing 13,974 Square Feet or 0.321 Acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 17. ST. LOUIS STATE PSYCHIATRIC HOSPITAL, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN ST. LOUIS CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located at the St. Louis State Psychiatric Hospital, St. Louis City, Missouri, described as follows:

A tract of land being part of City Blocks 4741 of the City of St. Louis, Missouri and being more particularly described as follows:

Beginning at the intersection of the North line of Fyler Avenue, 60.00 feet wide, with the West line of Brannon Avenue, 60.00 feet wide; thence along said North line, North 82 degrees 45 minutes 20 seconds West, a distance of 847.45 feet to the East line of Sublette Avenue, 104.00 feet wide at this point; thence along said East line, in a northerly direction with a non-tangent curve turning to the left with a radius of 560.00 feet, having a chord bearing of North 12 degrees 44 minutes 39 seconds West and a chord distance of 118.10 feet and an arc length of 118.32 feet; thence North 18 degrees 47 minutes 50 seconds West, a distance of 836.35 feet; thence leaving said East line, North 71 degrees 12 minutes 10 seconds East, a distance of 8.23 feet; thence South 86 degrees 15 minutes 35 seconds East, a distance of 19.16 feet; thence in a easterly direction with a non-tangent curve turning to the left with a radius of 1025.00 feet, having a chord bearing of South 72 degrees 57 minutes 52 seconds East and a chord distance of 329.10 feet and an arc length of 330.53 feet; thence South 82 degrees 12 minutes 09 seconds East, a distance of 510.38 feet; thence South 88 degrees 33 minutes 16 seconds East, a distance of 197.20 feet; thence North 82 degrees 11 minutes 27 seconds East, a distance of 178.69 feet; thence North 60 degrees 49 minutes 25 seconds East, a distance of 62.57 feet; thence North 47 degrees 29 minutes 23 seconds East, a distance of 32.73 feet; thence South 80 degrees 49 minutes 08 seconds East, a distance of 67.69 feet to the West line of said Brannon Avenue; thence along said West line, South 09 degrees 10 minutes 52 seconds West, a distance of 589.65 feet; thence on a curve to the right, having a radius of 200.00 feet, a distance of 82.80 feet; thence South 32 degrees 54 minutes 06 seconds West, a distance of 137.94 feet; thence on a curve to the left, having a radius of 260.00 feet, a distance of 110.40 feet; thence South 08 degrees 34 minutes 23 seconds West, a distance of 10.00 feet to the Point of Beginning and containing 906,390 square feet or 20.81 acres, more or less

The State of Missouri shall retain access to all easements of record for the property.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 18. NATIONAL GUARD READINESS CENTER, GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN SPRINGFIELD. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located at the National Guard Readiness Center, 1400 Fremont Avenue, Springfield, Greene County, Missouri, described as follows:

All that part of the Northwest Quarter of the Northeast Quarter of Section 18, Township 29 North, Range 21 West of the 5th P.M. described as follows: Commencing at the Northwest corner of the Northwest Quarter of the Northeast Quarter of said Section 18: thence South 41°20'52" East, 40.51 feet to the intersection of the South right-of-way of Division Street and the East right-of-way of Fremont Avenue, thence South 89°07'41" East, 1078.27 feet along the South right-of-way of Division Street; thence South 01°39'49" West, 377.52 feet to the point of beginning; thence, continuing, South 01°39'49" West, 117.30 feet; thence North 89°07'41" West, 21.00 feet; thence South 01°39'49" West, 661.30 feet; thence North 89°07'41" West, 355.00 feet; thence North 01°39'49" East, 778.60 feet; thence South 89°07'41" East, 376.00 feet to the point of beginning. Contains 6.40 acres per Survey No. L-253, dated January 9, 2014 by Lortz Surveying, LLC.

The State of Missouri shall retain access to all easements of record for the property.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 19. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN CITY OF ST. JOSEPH. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located the City of St. Joseph, Buchanan County, Missouri, described as follows:

Tract 1

That part of the northwest quarter of section thirty-four (34), Township fifty-eight (58) north, range thirty-five (35) west, described as follows: Beginning at a point three hundred sixty-six and nine hundredths (366.9) feet north of the center of said Section thirty-four (34), thence north one hundred forty-and seventy-one hundredths (140.71) feet, thence west twenty-six and seventeen hundredths (26.17) feet, thence southeasterly on a curve to the left having a radius of one thousand nine hundred fifty-five and eight hundredths (1955.08) feet, one hundred forty-three and forty-four hundredths (143.44) feet to the point of beginning and containing forty-three thousandths (0.043) of an acre.

Also beginning at a point six hundred eighty-five and sixty-one hundredths (685.61) feet north of the center of said Section thirty-four (34), thence north three hundred twenty and twenty-eight hundredths (320.28) feet to present right of way line of State highway Route 4, thence southwesterly along said right of way line one hundred eighty and one hundred sixty-two thousandths (180.162) feet, thence east fifty-seven and fifty-nine hundredths (57.59) feet, thence south fifty-three and eight hundredths (53.08) feet, thence southerly to the left on a curve having a radius of one thousand nine hundred fifty and eight hundredths

(1950.08) feet, one hundred nineteen and eight-five hundredths (119.85) feet to a point thirty-nine and twenty-seven hundredths (39.27) west of point of beginning, thence east thirty-nine and twenty-seven hundredths (39.27) feet to point of beginning and containing three hundred twenty-four thousandths (0.324) of an acre.

Tract 2

That part of the northwest quarter of Section thirty-four (34), Township fifty-eight (58) north, Range thirty-five (35) west, more particularly described as:

Tract #1, being bounded by a line beginning at a point which is two hundred sixty-two and four tenths (262.4) feet north of the center of said Section thirty-four (34), thence west five (5) feet, thence northwesterly to right on the arc of a curve having a radius of one thousand nine hundred eighty-five and eight hundredths (1985.08) feet and extending a distance of two hundred fifty and thirty-seven hundredths (250.37) feet, thence east thirty and thirty-six hundredths (30.36) feet to the westerly right of way line of existing highway, thence southeasterly to left on the arc of a curve having a radius of one thousand nine hundred fifty-five and eight hundredths (1955.08) feet and extending a distance of one hundred forty-three and forty-four hundredths (143.44) feet, thence south one hundred three and sixty-nine hundredths (103.69) feet to said point of beginning.

Tract #1A, being bounded by a line beginning at a point which is five hundred six and eight tenths (506.8) feet north and one hundred sixty-five and fifty-four hundredths (165.54) feet west of the center of said Section thirty-four (34), thence west one hundred thirty-one and nine hundredths (131.09) feet to the easterly right of way line of City Route U.S. 71, thence southwesterly along said right of way line two hundred seventy-nine and seventy-eight hundredths (279.78) feet to grantor's south property line, thence east forty-five and sixty-three hundredths (45.63) feet, thence northeasterly to right on the arc of a curve having a radius of nine hundred and thirty-seven hundredths (900.37) feet and extending a distance of three hundred thirty-one and eighty-two hundredths (331.82) feet to said point of beginning.

Said Tracts #1 and 1A are for right of way for State Highway Route U.S. 71 and contain fifty-six hundredths (0.56) of an acre.

Tract 3

That part of the northwest quarter of Section thirty-four (34), Township fifty-eight (58) north, Range thirty-five (35) west, described as follows:

Beginning at a point five hundred six and eight tenths (506.8) feet north of the center of said Section thirty-four (34), thence north sixty-nine and seven tenths (69.7) feet, thence west thirty-five and twenty-two hundredths (35.22) feet, thence southeasterly on a curve to the left having a radius of one thousand nine hundred fifty-five and eight hundredths (1955.08) feet, seventy and thirty-nine hundredths (70.39) feet to a point twenty-six and seventeen hundredths (26.17) feet west of the point of beginning, thence east twenty-six and seventeen hundredths (26.17) feet to point of beginning and containing forty-nine thousandths (0.049) of an acre.

Said tract of land being for right of way for said Highway.

Tract 4

Beginning at a point five hundred seventy-six and five tenths (576.5) feet north of the southeast corner of the northwest quarter of Section thirty-four (34), Township fifty-eight (58) north, Range thirty-five (35) west, thence west two hundred ninety-two and sixty-nine hundredths (292.69) feet to the centerline of U.S. Highway No. 71, thence southwesterly seventy-nine and eighty-five hundredths (79.85) feet along the centerline of said highway, thence east three hundred thirty-two and forty-one hundredths (332.41) feet to the east line of said northwest quarter section, thence north sixty-nine and seven tenths (69.7) feet to the point of beginning.

Said tract is for right of way for State Highway Route U.S. 71 and contains thirty-nine hundredths (0.39) of an acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

Approved June 19, 2014

HB 1831 [CCS SCS HCS HB 1831]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows a child care facility incorporated as an LLC to qualify for the exemption for related children

AN ACT to repeal sections 210.027 and 210.211, RSMo, and to enact in lieu thereof two new sections relating to child care facilities, with a contingent effective date for a certain section.

SECTION

- A. Enacting clause.
- 210.027. Direct payment recipients, child care providers — department's duties.
- 210.211. License required — exceptions — disclosure of licensure status, when.
- B. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 210.027 and 210.211, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.027 and 210.211, to read as follows:

210.027. DIRECT PAYMENT RECIPIENTS, CHILD CARE PROVIDERS — DEPARTMENT'S DUTIES. — 1. For child-care providers who receive state or federal funds for providing child-care [services in the home] **fee assistance**, either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) **Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;**

- (2) Establish or designate one hotline for parents to submit complaints about child care providers;
- (3) Be authorized to revoke the registration of a registered provider for due cause;
- ~~[(2)]~~ (4) Require providers to be at least eighteen years of age;
- ~~[(3)]~~ (5) Establish minimum requirements for building and physical premises to include:
 - (a) Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and
 - (b) Emergency preparedness and response planning.

Child care providers shall meet these minimum requirements prior to receiving federal assistance. Where there are no local ordinances or regulations regarding smoke detectors, **the department shall** require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence **or other building** where child care is provided;

~~[(4)]~~ (6) Require providers to be tested for tuberculosis **on the schedule required for employees in licensed facilities;**

~~[(5)]~~ (7) Require providers to notify parents if the provider does not have immediate access to a telephone;

~~[(6)]~~ (8) Make providers aware of local opportunities for training in first aid and child care;

(9) **Promulgate rules and regulations to define pre-service training requirements for child care providers and employees pursuant to applicable federal laws and regulations;**

(10) **Establish procedures for conducting unscheduled onsite monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;**

(11) **Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and**

(12) **With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate group, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.**

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.

210.211. LICENSE REQUIRED — EXCEPTIONS — DISCLOSURE OF LICENSURE STATUS, WHEN. — 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

4. Any in-home licensed child care facility that is organized as a corporation, association, firm, partnership, proprietorship, limited liability company, or any other type of business entity in this state shall qualify for the exemption for related children for children who are related to the member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity who is responsible for the daily operation of the child care facility and who meets the requirements of the child care provider. If more than one member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity is responsible for the daily operation of the child care facility, the exemption for related children shall only be granted for children who are related to one of the members. All child care facilities under this subsection shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. A parent or guardian shall sign a written notice indicating he or she is aware of the

licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 210.027 shall become effective upon the department of health and senior services providing notice to the revisor of statutes that the implementation of federal regulations mandating such provisions has occurred.

Approved July 9, 2014

HB 1835 [HB 1835]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Specifies that recipients of blind pension benefits with no usable vision shall be exempt from the 5-year vision re-examination requirement

AN ACT to repeal section 209.040, RSMo, and to enact in lieu thereof one new section relating to blind pension benefit requirements.

SECTION

- A. Enacting clause.
 209.040. Vision test required, standard of vision, exemption — amount of payments, effect of insufficient appropriations — medical assistance — increase in appropriations, limitations.

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

SECTION A. ENACTING CLAUSE. — Section 209.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.040, to read as follows:

209.040. VISION TEST REQUIRED, STANDARD OF VISION, EXEMPTION — AMOUNT OF PAYMENTS, EFFECT OF INSUFFICIENT APPROPRIATIONS — MEDICAL ASSISTANCE — INCREASE IN APPROPRIATIONS, LIMITATIONS. — 1. No person shall be entitled to a pension under sections 209.010 to 209.160 who does not have vision with or without properly adjusted glasses, up to but not including five two-hundredths, or whose best visual field is five degrees as tested with five millimeter target on perimeter. No person shall be entitled to receive a pension except upon a scientific vision test supported by a certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department of social services to make such examination. To continue to be eligible to receive a pension under the provisions of this section, a person shall present to the department of social services every fifth year after the initial vision test a new certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department to make a scientific vision test that such person continues to meet the requirements of this section. **Persons who have been deemed by an ophthalmologist, a physician skilled in disease of the eye, or an optometrist to have no usable vision shall be exempt from the five-year reexamination requirement of this subsection.** Every person passing the vision test and having the other qualifications provided in sections 209.010 to 209.160 shall be entitled to receive a monthly pension in an amount established by appropriations made by the general assembly for that purpose but not less than three hundred forty dollars; except that pensions to the blind as provided herein shall not be payable to a blind person unless such person has been

declared ineligible to receive aid under the federal supplemental security income program, nor shall pensions to the blind as provided herein be payable to any person who is receiving general relief assistance.

2. If the funds at the disposal of or which may be obtained by the department of social services for the payment of benefits under this section shall at any time become insufficient to pay the full amount of benefits to each person entitled thereto, the amount of benefits of each one of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.

3. Medical assistance for blind recipients eligible for such assistance under the provisions of sections 208.151 to 208.158 shall be payable as provided in sections 208.151 to 208.158 without regard to any durational residence requirement for eligibility out of funds designated for such medical assistance and not from the blind pension fund.

4. The monthly pension provided in subsection 1 of this section shall be increased by the general assembly by an appropriation bill by a monthly pension amount which equals one-twelfth of the quotient obtained by dividing seventy-five percent of the annual growth of funds in the blind pension fund for the preceding fiscal year by the number of persons eligible to receive the monthly pension provided in subsection 1 of this section.

Approved June 10, 2014

HB 1866 [SCS HB 1866]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes several highway and bridge designations

AN ACT to amend chapter 227, RSMo, by adding thereto thirteen new sections relating to the designation of memorial highways and bridges.

SECTION

- A. Enacting clause.
- 227.301. SGM Patrick R. Hurley Memorial Highway designated for a portion of State Highway U in Washington County.
- 227.316. Thomas Wesley Benoist Memorial Highway designated for a portion of State Highway U in Washington County.
- 227.327. James R. Ledbetter Memorial Bridge designated for the bridge on Missouri Highway 5 crossing over I-44 in Laclede County.
- 227.328. Marc Perez Memorial Bridge designated for the bridge on Missouri Route N over the Meramec River in Franklin County.
- 227.332. James K. Schatz Memorial Bridge designated for the bridge on Highway 185 crossing I-44 in Franklin County.
- 227.344. James B. Tatum Highway designated for a portion of I-49 in Newton County.
- 227.382. Police Officer Steven Jarvis Memorial Highway designated for a portion of I-55 in St. Louis County and Jefferson County.
- 227.399. Billy Dean Robinett Memorial Highway designated for a portion of U.S. Highway 54 in Cole County.
- 227.401. Len Dawson Bridge designated for the bridge on East Stadium Drive crossing I-435 in Jackson County.
- 227.450. Spc. Justin Blake Carter Memorial Highway for Life designated for a portion of U.S. Highway 60 in Wright County.
- 227.504. Barney Douglas (The Citizen) Memorial Bridge designated for the bridge on U.S. Highway 60 crossing Lick Creek in Ozark County.
- 227.507. Officer Orville Rosenstengel Memorial Highway designated for a portion of U.S. Highway 54 in Audrain County.
- 227.520. "Discover More on Route 54" Highway designated for a portion of U.S. Highway 54 from Kansas/Missouri state line east to Missouri/Illinois state line.

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

SECTION A. ENACTING CLAUSE. — Chapter 227, RSMo, is amended by adding thereto thirteen new sections, to be known as sections 227.301, 227.316, 227.327, 227.328, 227.332, 227.344, 227.382, 227.399, 227.401, 227.450, 227.504, 227.507, and 227.520, to read as follows:

227.301. SGM PATRICK R. HURLEY MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY U IN WASHINGTON COUNTY. — The portion of State Highway U from the intersection of State Highway M to the intersection of Province Road in Washington County shall be designated the "SGM Patrick R. Hurley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.316. THOMAS WESLEY BENOIST MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY U IN WASHINGTON COUNTY. — The portion of State Highway U from the intersection of Province Road to the intersection of State Highway 8 in Washington County shall be designated the "Thomas Wesley Benoist Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.327. JAMES R. LEDBETTER MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON MISSOURI HIGHWAY 5 CROSSING OVER I-44 IN LACLEDE COUNTY. — The bridge on Missouri Highway 5 crossing over Interstate 44 in Laclede County shall be designated the "James R. Ledbetter Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.

227.328. MARC PEREZ MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON MISSOURI ROUTE N OVER THE MERAMEC RIVER IN FRANKLIN COUNTY. — The bridge on Missouri Route N over the Meramec river in Franklin County shall be designated as the "Marc Perez Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donations.

227.332. JAMES K. SCHATZ MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON HIGHWAY 185 CROSSING I-44 IN FRANKLIN COUNTY. — The bridge on Highway 185 crossing over Interstate 44 in Franklin County shall be designated the "James K. Schatz Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge with the costs for such designation to be paid by private donation.

227.344. JAMES B. TATUM HIGHWAY DESIGNATED FOR A PORTION OF I-49 IN NEWTON COUNTY. — The portion of Interstate Highway 49 in Newton County from the intersection of Highway 60 to the Newton-McDonald County line shall be designated the "James B. Tatum Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.382. POLICE OFFICER STEVEN JARVIS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-55 IN ST. LOUIS COUNTY AND JEFFERSON COUNTY. — The portion of Interstate 55 in St. Louis County and Jefferson County between Meramec Bottom Road and Highway 141 shall be designated the "Police Officer Steven Jarvis Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.399. BILLY DEAN ROBINETT MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 54 IN COLE COUNTY. — The portion of U.S. Highway 54 in Cole County from the Hammann Drive intersection to a location one mile south of such intersection shall be designated the "Billy Dean Robinett Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost of such signs to be paid by private donations.

227.401. LEN DAWSON BRIDGE DESIGNATED FOR THE BRIDGE ON EAST STADIUM DRIVE CROSSING I-435 IN JACKSON COUNTY. — The bridge on East Stadium Drive crossing over Interstate 435 in Jackson County shall be designated the "Len Dawson Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.

227.450. SPC. JUSTIN BLAKE CARTER MEMORIAL HIGHWAY FOR LIFE DESIGNATED FOR A PORTION OF U.S. HIGHWAY 60 IN WRIGHT COUNTY. — The portion of U.S. Highway 60 from the intersection of State Route O to the intersection of State Highway 5 in Wright County shall be designated the "Spc. Justin Blake Carter Memorial Highway for Life". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.504. BARNEY DOUGLAS (THE CITIZEN) MEMORIAL BRIDGE DESIGNATED FOR THE BRIDGE ON U.S. HIGHWAY 60 CROSSING LICK CREEK IN OZARK COUNTY. — The bridge on U.S. Highway 160 crossing over Lick Creek in Ozark County shall be designated the "Barney Douglas (The Citizen) Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.

227.507. OFFICER ORVILLE ROSENSTENGEL MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 54 IN AUDRAIN COUNTY. — The portion of U.S. Highway 54 from the intersection of County Road 557 to the intersection of County Road 577 in Audrain County shall be designated the "Officer Orville Rosenstengel Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs paid by private donations.

227.520. "DISCOVER MORE ON ROUTE 54" HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 54 FROM KANSAS/MISSOURI STATE LINE EAST TO MISSOURI/ILLINOIS STATE LINE. — The portion of U.S. Highway 54 from the Kansas/Missouri state line east to the Missouri/Illinois state line shall be designated the "Discover More on Route 54" Highway. The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.

Approved July 3, 2014

HB 1867 [SS SCS HCS HB 1867]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding underground facility safety

AN ACT to repeal sections 319.015, 319.016, 319.022, 319.024, 319.025, 319.026, 319.027, 319.028, 319.029, 319.030, 319.035, 319.040, 319.041, 319.045, 319.050, 389.585, 389.586, 389.587, 389.588, 389.589, and 389.591, RSMo, and to enact in lieu thereof thirteen new sections relating to underground facility safety, with an effective date.

SECTION

- A. Enacting clause.
- 319.015. Definitions.
- 319.022. Notification centers, participation requirements and eligibility — names of owners and operators made available, when.
- 319.024. Public notice of excavations, duties of owner and operator.
- 319.025. Excavator must give notice and obtain information, when, how — notice to notification center, when — clarification of markings, response — permit for highway excavation required.
- 319.026. Notice of excavator, form of — written record maintained — incorrect location of facility, duty of excavator — visible markings necessary to continue work — damage, dislocation, or disturbance, notification and reporting requirements — annual report of damages required, by whom.
- 319.027. Design requests, how made — marking location required.
- 319.030. Notification of location of underground facility, when, how — failure to provide notice of location, effect.
- 319.031. Sewer system owner duties upon notification of intent to excavate.
- 319.033. Public right-of-way, installation within, requirements.
- 319.035. Compliance with law still requires excavation to be made in careful and prudent manner — failure to give notice or mark facilities, rebuttable presumption of negligence.
- 319.045. Civil penalties — attorney general may bring action and shall make public number of enforcement actions.
- 319.046. Arbitration of disputes, when.
- 319.050. Exemptions from requirement to obtain information.
- 319.016. Notification center participant, commission not required to be, when.
- 319.028. Participation in notification center required, exceptions — withdrawal from notification center inadmissible in court proceedings.
- 319.029. Notification required prior to excavation.
- 319.040. Presumption of negligence, when, rebuttable.
- 319.041. Safe and prudent excavation required.
- 389.585. Definitions.
- 389.586. Crossing by utility, notice, approval or rejection of proposal — maintenance of property.
- 389.587. Standard crossing fee and other costs.
- 389.588. Negotiation of terms and conditions, dispute resolution authorized — eminent domain, effect on.
- 389.589. Binding arbitration, when, procedure.
- 389.591. Applicability to all crossings.
- B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 319.015, 319.016, 319.022, 319.024, 319.025, 319.026, 319.027, 319.028, 319.029, 319.030, 319.035, 319.040, 319.041, 319.045, 319.050, 389.585, 389.586, 389.587, 389.588, 389.589, and 389.591, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 319.015, 319.022, 319.024, 319.025, 319.026, 319.027, 319.030, 319.031, 319.033, 319.035, 319.045, 319.046, and 319.050, to read as follows:

319.015. DEFINITIONS. — For the purposes of sections 319.010 to 319.050, the following terms mean:

- (1) "Approximate location", a strip of land not wider than the width of the underground facility plus two feet on either side thereof. In situations where reinforced concrete, multiplicity of adjacent facilities or other unusual specified conditions interfere with location attempts, the owner or operator shall designate to the best of his or her ability an approximate location of greater width;
- (2) "Design request", a request from any person for facility location information for design purposes only;
- (3) "Emergency", [either:

(a) a sudden, unexpected occurrence, presenting a clear and imminent danger demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. "Unexpected occurrence" includes, but is not limited to, thunderstorms, high winds, ice or snow storms, fires, floods, earthquakes, or other soil or geologic movements, riots, accidents, water or wastewater pipe breaks, vandalism, or sabotage]; or

(b) Any interruption in the generation, transmission, or distribution of electricity, or any damage to property or facilities that causes or could cause such an interruption];

(4) "Excavation", any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, backfilling, grading, trenching, digging, ditching, **pulling material from a ditch but not including routine road maintenance**, drilling, well-drilling, augering, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures, except that, the use of mechanized tools and equipment to break and remove pavement and masonry down only to the depth of such pavement or masonry **on roads dedicated to the public use for vehicular traffic**, [the use of pressurized air to disintegrate and suction to remove earth, rock and other materials,] the tilling of soil for agricultural [or seeding] purposes **when such excavation does not exceed sixteen inches in depth**, [and] the installation of marking flags and stakes **and the use of pressurized air to disintegrate and suction to remove earth, rock, or other materials** for the location of underground facilities [that are not driven] shall not be deemed excavation. Backfilling or moving earth on the ground in connection with other excavation operations at the same site shall not be deemed separate instances of excavation. **For railroads regulated by the Federal Railroad Administration, "excavation" shall not include any excavating done by a railroad when such excavating is done entirely on land that the railroad owns or on which the railroad operates, or in the event of an emergency, excavating done by a railroad on adjacent land;**

(5) "Excavator", any person making one or more excavations who is required to make notices of excavation under the requirements of sections 319.010 to 319.050;

(6) "**Locate status**", the **underground facility owner's designation of the status of the locate request to the notification center which then makes that information available to the person making the locate request through electronic or other means;**

(7) "Marking", the use of paint, flags, stakes, or other clearly identifiable materials to show the field location of underground facilities, or the area of proposed excavation, in accordance with [the color code standard of the American Public Works Association. Unless otherwise provided by the American Public Works Association, the following color scheme shall be used: blue for potable water; purple for reclaimed water, irrigation and slurry lines; green for sewers and drain lines; red for electric, power lines, cables, conduit and lighting cables; orange for communications, including telephone, cable television, alarm or signal lines, cable or conduit; yellow for gas, oil, steam, petroleum or gaseous materials; white for proposed excavation; pink for temporary marking of construction project site features such as centerline and top of slope and toe of slope] **the marking standards for underground facilities as designated by the Common Ground Alliance Best Practices Version 10.0 except that "approximate location" shall comply with the requirements as set forth in subdivision (1) of this section;**

[(7)] (8) "Notification center", a statewide organization operating twenty-four hours a day, three hundred sixty-five days a year on a not-for-profit basis, supported by [its participants, or by more than one operator of underground facilities, having as its principal purpose the statewide receipt and dissemination to participating owners and operators of underground facilities of information concerning intended excavation activities in the area where such owners and operators have underground facilities, and open to participation by any and all such owners and operators on a fair and uniform basis. Such notification center shall be governed by a board of directors elected by the membership and composed of representatives from each general membership group, provided that one of the board members shall be a representative of the state

highways and transportation commission so long as the commission is a participant in the notification center] **a majority of the underground facility owners in the state of Missouri;**

[~~(8)~~] **(9)** "Notification center participant", an underground facility owner who is a member and participant in the notification center;

[~~(9)~~] **(10)** "Permitted project", a project for which a permit for the work to be performed is required to be issued by a local, state or federal agency and, as a prerequisite to receiving such permit, the applicant is required to notify all underground facility owners in the area of the work for purposes of identifying the location of existing underground facilities;

[~~(10)~~] **(11)** "Person", any individual, firm, joint venture, partnership, corporation, association, cooperative, municipality, political subdivision, governmental unit, department or agency and shall include a notification center and any trustee, receiver, assignee or personal representative thereof;

[~~(11)~~] **(12)** "Pipeline facility" includes[, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used or intended for use in the transportation of gas or the treatment of gas, or used or intended for use in the transportation of hazardous liquids including petroleum, or petroleum products] **all parts of a facility through which a hazardous liquid or gas moves in transportation including, but not limited to, pipe, valves and other appurtenances connected to pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks;**

[~~(12)~~] "Preengineered project", a project which is approved by an agency or political subdivision of the state and for which the agency or political subdivision responsible for the project, as part of its engineering and contract procedures, holds a meeting prior to the commencement of any construction work on such project and in such meeting all persons determined by the agency or political subdivision to have underground facilities located within the excavation area of the project are invited to attend and given an opportunity to verify or inform any agency or political subdivision of the location of their underground facilities, if any, within the excavation area and where the location of all known underground facilities are duly located or noted on the engineering drawing as specifications for the project;]

(13) "State plane coordinates", a system of locating a point on a flat plane developed by the National Oceanic and Atmospheric Administration and utilized by state agencies, local governments, and other persons to designate the site of a construction project;

(14) "Trenchless excavation", horizontal excavation parallel to the surface of the earth which does not use trenching or vertical digging as the primary means of excavation, including but not limited to directional boring, tunneling, or augering;

(15) "Underground facility", any item of personal property which shall be buried or placed below ground for use in connection with the storage or conveyance of water, storm drainage, sewage, telecommunications service, cable television service, electricity, oil, gas, hazardous liquids or other substances, and shall include but not be limited to pipes, sewers, conduits, cables, valves, **vaults**, lines, wires, manholes, attachments, or appurtenances, and those portions of pylons or other supports below ground that are within any public or private street, road or alley, right-of-way dedicated to the public use or utility easement of record, or prescriptive easement. If gas distribution lines or electric lines, telecommunications facilities, cable television facilities, water service lines, water system, storm drainage or sewer system lines, other than those used for vehicular traffic control, lighting of streets and highways and communications for emergency response, are located on private property and are owned solely by the owner or owners of such private property, such lines or facilities receiving service shall not be considered underground facilities for purposes of this chapter, except at locations where they cross or lie within an easement or right-of-way dedicated to public use or owned by a person other than the owner of the private property. Water and sanitary sewer lines providing service to private property that are owned solely by the owner of such property shall not be considered underground facilities at any location. **A structure that transports only storm water drainage under roadways,**

driveways, or railways shall not be considered an underground facility. [Water, storm drainage, cross road drainage, or sewer lines owned by the state highways and transportation commission shall not be considered underground facilities at any location. For railroads regulated by the Federal Railroad Administration, "underground facility" as used in sections 319.015 to 319.050 shall not include any excavating done by a railroad when such excavating is done entirely on land which the railroad owns or on which the railroad operates, or in the event of emergency, on adjacent land];

(16) "Underground facility owner", any person who owns or operates underground facilities [as defined by this section];

(17) "Working day", every day, except Saturday, Sunday or a legally declared [local,] state or federal holiday.

319.022. NOTIFICATION CENTERS, PARTICIPATION REQUIREMENTS AND ELIGIBILITY

—NAMES OF OWNERS AND OPERATORS MADE AVAILABLE, WHEN. — 1. Any person, except a railroad regulated by the Federal Railroad Administration, who installs or otherwise owns or operates an underground facility shall become a participant in a notification center upon first acquiring or owning or operating such underground facility. [Except as provided in section 319.016, all owners and operators of underground facilities within the state shall maintain participation in a notification center.] **All underground facility owners within the state shall maintain participation in a notification center for the duration of owning and operating such underground facility. Such notification center shall be governed by a board of directors elected by the membership and composed of representatives from the general membership group.**

2. [All owners and operators of underground facilities which are located in a county of the first classification or second classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2003. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the first classification or second classification on or after January 1, 2003, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2003, all owners and operators of underground facilities which are located in a county of the first classification or second classification within the state shall maintain participation in the notification center except as provided otherwise in section 319.016.

3. All owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2005. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the third classification or fourth classification on or after January 1, 2005, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2005, all owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state shall maintain participation in the notification center except as provided otherwise in section 319.016.

4.] The notification center shall maintain in its offices and make available to any notification center participant or excavator upon request a current list of the names and addresses of each notification center participant, including the county or counties wherein each participant has underground facilities. The notification center may charge a reasonable fee to notification center participants or excavators requesting such list as is necessary to recover the actual costs of printing and mailing.

[5.] 3. Excavators shall be informed of the availability of the list of notification center participants [required in subsection 3 of this section in the manner provided for in section 319.024].

[6.] 4. An annual audit or review of the notification center shall be performed by a certified public accountant and a report of the findings submitted to the speaker of the house of representatives and the president pro tem of the senate.

319.024. PUBLIC NOTICE OF EXCAVATIONS, DUTIES OF OWNER AND OPERATOR. — 1. Every person owning or operating an underground facility shall assist excavators and the general public in determining the location of underground facilities before excavation activities are begun or as may be required by subsection 6 of section 319.026 or subsection 1 of section 319.030 after an excavation has commenced. Methods of informing the public and excavators of the means of obtaining such information may, but need not, include advertising, including advertising in periodicals of general circulation or trade publications, information provided to professional or trade associations which routinely provide information to excavators or design professionals, or sponsoring meetings of excavators and design professionals for such purposes. Information provided by the notification center on behalf of persons owning or operating an underground facility shall be deemed in compliance with this section by such persons. [Every person owning or operating underground facilities who has a written policy in determining the location of its underground facilities shall make available a copy of said policy to any notification center participant or excavator upon request.]

2. Every person owning or operating underground pipeline facilities shall, in addition to the requirements of subsection 1 of this section:

(1) Identify on a current basis persons who normally engage in excavation activities in the area in which the pipeline is located. Every such person who is a participant in a notification center shall be deemed to comply with this subdivision if such notification center maintains and updates a list of the names and addresses of all excavators who have given notice of intent to excavate to such notification center during the previous year and provided the notification center shall, not less frequently than annually, provide public notification and actual notification to all excavators on such list of the existence and purpose of the notification center, and procedures for obtaining information from the notification center;

(2) Either directly or through the notification center, notify excavators and the public in the vicinity of his or her underground pipeline facility of the availability of the notification center by including the information set out in subsection 1 of section 319.025 in notifications required by the safety rules of the Missouri public service commission relating to its damage prevention program;

(3) Notify excavators annually who give notice of their intent to excavate of the type of marking to be provided and how to identify the markings.

319.025. EXCAVATOR MUST GIVE NOTICE AND OBTAIN INFORMATION, WHEN, HOW — NOTICE TO NOTIFICATION CENTER, WHEN — CLARIFICATION OF MARKINGS, RESPONSE — PERMIT FOR HIGHWAY EXCAVATION REQUIRED. — 1. Except as provided in subsection [3] 4 of section 319.030 and in section 319.050, a person shall not make or begin any excavation in any public street, road or alley, right-of-way dedicated to the public use or utility easement of record or within any private street or private property without first giving notice to the notification center and obtaining information concerning the possible location of any underground facilities which may be affected by said excavation from underground facility owners whose names appear on the current list of participants in the notification center and who were communicated to the excavator as notification center participants who would be informed of the excavation notice. [Prior to January 1, 2003, a person shall not make or begin any excavation pursuant to this subsection without also making notice to owners or operators of underground facilities which do not participate in a notification center and whose name appears on the current list of the recorder of deeds in and for the county in which the excavation is to occur. Beginning January 1, 2003,] Notice to the notification center of proposed excavation shall be deemed notice to all owners and operators of underground facilities. The notice referred to in this section shall comply with the provisions of section 319.026.

2. An excavator's notice to owners and operators of underground facilities participating in the notification center pursuant to section 319.022 is ineffective for purposes of subsection 1 of this section unless given to such notification center. [Prior to January 1, 2003, the notice required by subsection 1 of this section shall be given directly to owners or operators of underground facilities who are not represented by a notification center.]

3. Notification center participants shall be relieved of the responsibility to respond to a notice of intent to excavate received directly from the person intending to commence an excavation, except for requests for clarification of markings through on-site meetings as provided in subsection 1 of section 319.030 and requests for locations at the time of an emergency as provided by section 319.050.

4. [If the owner or operator notifies the excavator that the area of excavation cannot be determined from the description provided by the excavator through the notice required by this section, the excavator shall provide clarification of the area of excavation by markings or by providing project plans to the owner or operator, or by meeting on the site of the excavation with representatives of the owner or operator as provided by subsection 1 of section 319.030.

5.] Notwithstanding the provisions of this section to the contrary, a person shall not make or begin any excavation in any state highway, or on the right-of-way of any state highway, without first obtaining a permit from the state highways and transportation commission pursuant to section 227.240, provided however, the provisions of this subsection shall not apply to railroad right-of-way owned or operated by a railroad.

319.026. NOTICE OF EXCAVATOR, FORM OF — WRITTEN RECORD MAINTAINED — INCORRECT LOCATION OF FACILITY, DUTY OF EXCAVATOR — VISIBLE MARKINGS NECESSARY TO CONTINUE WORK — DAMAGE, DISLOCATION, OR DISTURBANCE, NOTIFICATION AND REPORTING REQUIREMENTS — ANNUAL REPORT OF DAMAGES REQUIRED, BY WHOM. — 1. An excavator shall serve notice of intent to excavate to the notification center by toll-free telephone number operated on a twenty-four hour per-day, seven day per-week basis or by facsimile or by completing notice via the internet at least two working days, but not more than ten working days, before the expected date of commencing the excavation activity. The notification center receiving such notice shall inform the excavator of all notification center participants to whom such notice will be transmitted and shall promptly transmit all details of such notice provided under subsection 2 of this section to every notification center participant in the area of excavation.

2. Notices of intent to excavate given pursuant to this section shall contain the following information:

(1) The name and telephone number of the person filing the notice of excavation, if the telephone number is different than that of the excavator, and the name, address, telephone number of the excavator and whether the excavator's telephone is equipped with a recording device;

(2) The date the excavation activity is expected to commence, the depth of planned excavation and, if applicable, that the use of explosives is anticipated on the excavation site, and the type of excavation being planned, including whether the excavation involves trenchless excavation;

(3) The facsimile number, email address, and cellular telephone number of the excavator, if any;

(4) The name of the person primarily responsible for conducting the excavation or managing the excavation process, and if any of the information stated in subdivision (1) or (3) of this subsection is different for the person primarily responsible for the excavation, the notice shall also state the same information for that person;

(5) A detailed description accepted by the notification center sufficient for the location of the excavation by any one or more of the following means: by reference to a specific street address, or by description of location in relation to the nearest numbered, lettered, or named state

or county road or city street for which a road sign is posted, or by latitude and longitude including the appropriate description in degrees, minutes, and seconds, or by state plane coordinates;

(6) A description of the site of excavation by approximate distance and direction from the nearest state or county road or city street or intersection of such roads or streets unless previously provided under subdivision (5) of this subsection, and the proximity of the site to any prominent landmarks;

(7) A description of the location or locations of the excavation at the site described by direction and approximate distance in relation to prominent features of the site, such as existing buildings or roadways;

(8) Directions as to how to reach the site of the excavation from the nearest such road, if the excavation is not on or near a posted numbered, lettered, or named state or county road or city street.

3. The notification center receiving such notice shall solicit all information required by subsection 2 of this section and shall require the excavator to provide all such information before notice by the excavator is deemed to be completed pursuant to sections 319.015 to 319.050. The notification center shall transmit all details of such notice as required by this section.

4. A record of each notice of intent to excavate shall be maintained by the notification center [or, prior to January 1, 2003, by the nonmember owner or operator receiving direct notifications] for a period of five years. The record shall include the date the notice was received and all information required by subsection 2 of this section which was provided by the excavator and a record of the underground facility owners notified by the notification center. If the notification center creates a record of the notice by telephonic recording, such record of the original notice shall be maintained for one year from the date of receipt. Records of notices to excavate maintained by the notification center in electronic form shall be deemed to be records under this subsection. Persons holding records of notices of intent to excavate and records of information provided to the excavator by the notification center or owner or operator of the facility, shall make copies of such records available for a reasonable copying fee upon the request of the owner or operator of the underground facilities or the excavator filing the notice.

5. If in the course of excavation the person responsible for the excavation operations discovers that the owner or operator of the underground facility who is a participant in a notification center has incorrectly located the underground facility, he or she shall notify the notification center which shall inform the [notification center participant. If the owner or operator of the underground facility is not a participant in a notification center prior to the January 1, 2003, effective date for mandatory participation pursuant to section 319.022, the person responsible for the excavation shall notify the owner.] **underground facility owner. The underground facility owner shall respond to the incorrect locate notification within two hours of receipt of the notification by contacting the person responsible for the excavation or by correctly locating their underground facility.** The person responsible for maintaining records of the location of underground facilities for the notification center participant shall correct such records to show the actual location of such facilities, if current records are incorrect.

6. When markings have been provided in response to a notice of intent to excavate, excavators may commence or continue to work within the area described in the notice for so long as the markings are visible. **If an excavator is unable to begin the excavation within ten working days as described in the request, the excavator shall make a relocate request before beginning the excavation.** If markings become unusable due to weather, construction or other cause, the excavator shall contact the notification center to request remarking. Such notice shall be given in the same manner as original notice of intent to excavate, and the owner or operator shall remark the site in the same manner, within the same time, as required in response to an original notice of intent to excavate. Each excavator shall exercise reasonable care not to unnecessarily disturb or obliterate markings provided for location of underground facilities. If remarking is required due to the excavator's failure to exercise reasonable care, or

if repeated unnecessary requests for remarking are made by an excavator even though the markings are visible and usable, the excavator may be liable to the owner or operator for the reasonable cost of such remarking. **Nothing in this section shall allow any person other than the facility owner or their representative to mark or relocate any underground facility.**

7. **Before commencing excavation, the excavator shall determine best practices for confirming the horizontal and vertical location of facilities at the site of excavation considering conditions at the site including geology, access to the site, and the presence of paved surfaces. Hand digging or soft digging shall be used as a best practice when possible.**

8. **In the event of any damage, dislocation, or disturbance of any underground facility in connection with any excavation, the person responsible for the excavation operations shall notify the notification center. This subsection shall be deemed to require reporting of any damage, dislocation, or disturbance to trace wires, encasements, cathode protection, permanent above-ground stakes, or other such items utilized for protection of the underground facility. The excavator shall immediately contact 911 when any damage or contact with a pipeline results in a release from the pipeline of hazardous liquid or gas to occur.**

9. **In the event of any damage, dislocation, or disturbance to any underground facility or any protective devices required to be reported by the excavator under subsection 8 of this section in advance of or during the excavation work, the person responsible for the excavation operations shall not conceal or attempt to conceal such damage, dislocation, or disturbance, nor shall that person attempt to make repairs to the facility unless authorized by the underground facility owner. In the case of sewer lines or facilities, emergency temporary repairs may be made by the excavator after notification without the owners' or operators' authorization to prevent further damage to the facilities. Such emergency repairs shall not relieve the excavator of responsibility to make notification as required by subsection 8 of this section.**

10. **No later than April 1, 2015, and each year thereafter, each underground facility owner who owns or operates electric, gas, or pipeline facilities shall submit to a central repository designated by the notification center a report of damages experienced by its facilities for the prior calendar year. The notification center shall determine the minimum information to be reported. All data submitted shall be aggregated and anonymous. Information provided by the underground facility owner specific to damage data submitted shall be accessible only to the underground facility owner unless otherwise designated by the underground facility owner.**

319.027. DESIGN REQUESTS, HOW MADE—MARKING LOCATION REQUIRED.—1. Any person may make design requests by contacting the notification center. Such design requests shall include all information deemed necessary by the notification center to complete the notice, including the identification of the person and a description of the location of the project being designed and other information similar to that required of excavators under section 319.026.

2. Design requests shall be made to the notification center at least five working days, but not more than ten working days, before the date the person has requested receiving the information from the underground facility owner. Upon receipt of a design request, the notification center shall inform the person of the name of all notification center participants to whom the notice will be transmitted and shall promptly transmit such notice to the appropriate underground facility owners.

3. Every underground facility owner who receives a design request shall mark the location of the facility, or contact the person making the request, within five working days after the date the notice was received from the notification center. If the person making the request was contacted as an alternative to marking location, the person and the underground facility owner shall mutually agree on a schedule and method for providing the information, **provided that the**

facility shall be marked within five working days if the facility owner and the person making the request are unable to agree.

4. No excavation may be commenced based upon information received through a design request. Obtaining information through a design request shall not excuse any person commencing an excavation from making notice and obtaining information under sections 319.025 and 319.026 concerning the possible location of any underground facilities which may be affected.

319.030. NOTIFICATION OF LOCATION OF UNDERGROUND FACILITY, WHEN, HOW — FAILURE TO PROVIDE NOTICE OF LOCATION, EFFECT. — 1. Every person owning or operating an underground facility to whom notice of intent to excavate is required to be given shall, upon receipt of such notice as provided in this section from a person intending to commence an excavation, inform the excavator as promptly as practical, but not in excess of two working days, unless [otherwise mutually agreed,] **the excavator agrees to extend the start date and time provided in the locate request through methods established by the notification center,** of the approximate location of underground facilities in or near the area of the excavation so as to enable the person engaged in the excavation work to locate the facilities in advance of and during the excavation work, **provided that no excavation shall begin earlier than the scheduled excavation date provided on the locate request unless the excavator has confirmed that all underground facilities have been located.** The two working days provided for notice in this subsection and subsection 1 of section 319.026, shall begin at 12:00 a.m. following the receipt of the request by the notification center. **Each underground facility owner receiving notifications from the notification center by use of the internet shall, after December 31, 2014, use the locate status system provided by the notification center. Those underground facility owners that do not receive notifications by use of the internet shall, no later than January 1, 2016, provide locate status to the notification center by an alternate method provided by the notification center.** [If the information available to the owner or operator of a pipeline facility or an underground electric or communications cable discloses that valves, vaults or other appurtenances are located in or near the area of excavation, the owner or operator shall either inform the excavator of the approximate location of such appurtenances at the same time and in the same manner as the approximate location of the remainder of the facility is provided, or shall at such time inform the excavator that appurtenances exist in the area and provide a telephone number through which the excavator may contact a representative of the owner or operator who will meet at the site within one working day after request from the excavator and at such meeting furnish the excavator with the available information about the location and nature of such appurtenances.] If the excavator states in the notice of intent to excavate that the excavation will involve trenchless technology, the owner or operator shall inform the excavator of the depth, to the best of his or her knowledge or ability, of the facility according to the records of the owner or operator. The owner or operator shall provide the approximate location of underground facilities by use of markings **as designated in section 319.015.** [If flags or stakes are used, such marking shall be consistent with the color code and other standards for ground markings.] Persons representing the excavator and the owner or operator shall meet on the site of excavation within two working days of a request by either person for such meeting for the purpose of clarifying markings, or upon agreement of the excavator and owner or operator, such meeting may be an alternate means of providing the location of facilities by originally marking the approximate location of the facility at the time of the meeting. If upon receipt of a notice of intent to excavate, an owner or operator determines that he or she neither owns or operates underground facilities in or near the area of excavation, the owner or operator shall within two working days after receipt of the notice, inform the excavator that the owner or operator has no facilities located in the area of the proposed excavation. The owner or operator of the underground facility shall make notice to the excavator that no facilities are located in the area of excavation by contacting the excavator by any of the following methods:

- (1) By calling the primary number of the excavator or by calling the telephone number of the responsible person as provided by the excavator under subdivision (4) of subsection 2 of section 319.026;
- (2) By leaving a message on the recording device for such numbers;
- (3) By calling the cellular telephone number of the excavator or responsible person;
- (4) By notifying the excavator by facsimile or electronic mail at numbers or addresses stated by the excavator in the notice of excavation made under subsection 2 of section 319.026;
- (5) By marking "clear" or "OK" at the site of excavation; [or]
- (6) By verbally informing the excavator in person.

If the only means of contacting the excavator is one or more telephone numbers provided by the excavator in the notice of excavation under section 319.026, then two attempts by the underground facility owner to contact the excavator at one of the telephone numbers provided shall constitute compliance with this subsection; **or**

(7) By use of a locate status system.

2. A record of the date and means of informing the excavator that no facilities were located by the owner or operator shall be included in the written records of the underground facility owner regarding each specific notice of excavation **and shall be retained for a period of five years.**

3. **If the owner or operator notifies the excavator that the area of excavation cannot be determined from the description provided by the excavator through the notice required by this section, the excavator shall provide clarification of the area of excavation by marking the area with white flags or white paint, or by providing project plans to the owner or operator, or by meeting on the site of the excavation with representatives of the owner or operator as provided for in this section.**

4. In the event that a person owning or operating an underground facility fails to comply with the provisions of subsection 1 of this section after notice given by an excavator in compliance with section 319.026, the excavator, prior to commencing the excavation, shall give a second notice to the notification center as required by section 319.026 stating that there has been no response to the original notice given under section 319.026. After the receipt of the notice stating there has been "no response", the owner or operator of an underground facility shall, within two hours of the receipt of such notice, mark its facilities or contact and inform the excavator of when the facilities will be marked; provided, however, that for "no response" notices made to the notification center by 2:00 p.m., the markings shall be completed on the working day the notice is made to the notification center, and provided that for "no response" notices made to the notification center after 2:00 p.m., the markings shall be completed no later than 10:00 a.m. on the next working day. If an underground facility owner fails to mark its facilities or contact the excavator as required by this subsection, the excavator may commence the excavation. Nothing in this subsection shall excuse the excavator from exercising the degree of care in making the excavation as is otherwise required by law.

[4.] 5. For purposes of this section, a period of two working days begins at 12:00 a.m. following when the request is made.

319.031. SEWER SYSTEM OWNER DUTIES UPON NOTIFICATION OF INTENT TO EXCAVATE. — 1. In addition to the other requirements of section 319.030, the response to a notice of intent to excavate received by a sewer system owner, when such owner has underground facilities located in the area of excavation identified in the notice and when the notice indicates that trenchless excavation methods will be used, shall include a determination of whether sewer service connections exist in the area of the excavation.

2. If the sewer system owner determines that sewer service connections exist in the area of the excavation identified in a notice of intent to excavate, the owner shall provide his or her best available information, or notice that the information does not exist,

regarding the location of such connections to the excavator by any of the following methods:

- (1) Placing a triangular green mark at the approximate location of the sewer service connection pointing in the direction of the customer structure serviced;
- (2) Providing electronic copies of the information to the excavator;
- (3) Delivering copies of the information to the excavator by facsimile or by other agreed upon means; or
- (4) Arranging to meet the excavator at the site of the excavation to provide the information.

3. Providing the best available information, or notice that the information does not exist, regarding the location of sewer service connections that exist in the area of excavation identified in a notice of intent to excavate shall constitute full compliance with this section, and a sewer system owner shall not be liable to any party for damages or injuries resulting from an excavation if they are in compliance with this section.

4. Providing the best available information regarding the location of sewer service connections that exist in the area of excavation identified in a notice of intent to excavate shall not in and of itself constitute ownership, operation, control, or management of sewer service lines by a sewer system owner.

319.033. PUBLIC RIGHT-OF-WAY, INSTALLATION WITHIN, REQUIREMENTS. — By January 1, 2016, if new lateral sewer pipes or water service lines are installed and connected to an underground facility within the public right-of-way, as defined in section 319.015, or if such infrastructure is fully replaced by excavation within the public right-of-way, the facility owner shall be required to place tracer wire or other utility location technology and an access point within a protective enclosure over water lines and cleanouts for gravity sewer laterals. For sewer laterals operating under pressure or vacuum, the facility owner shall be required to place an access point within a protective enclosure and shall not be required to place a cleanout. All protective enclosures and cleanouts shall be extended to grade and installed so that it is easily accessible. For water service lines and sewer laterals operating under pressure or vacuum, tracer wire, or other utility location technology, shall be placed within the protective enclosure to provide approximate location of the underground facilities in these areas that are located within a public right-of-way. An underground facility owner shall not be liable to any party for damages or injuries resulting from an excavation if they are in compliance with this section. This section shall apply to all installations of water service lines and sewer laterals without regard to their status as underground facilities under section 319.015. Nothing in this section shall require any owner of underground facilities who is not otherwise required under sections 319.010 to 319.050 to become a notification center participant.

319.035. COMPLIANCE WITH LAW STILL REQUIRES EXCAVATION TO BE MADE IN CAREFUL AND PRUDENT MANNER — FAILURE TO GIVE NOTICE OR MARK FACILITIES, REBUTTABLE PRESUMPTION OF NEGLIGENCE. — 1. Obtaining information as required by sections 319.010 to 319.050 does not excuse any person making any excavation from doing so in a careful and prudent manner.

2. Nothing in sections 319.010 to 319.050 shall relieve an excavator from the obligation to excavate in a safe and prudent manner, nor shall it absolve an excavator from liability for damage to underground facilities.

3. The failure of any excavator to give notice of proposed excavation activities as required by this chapter shall be a rebuttable presumption of negligence on his or her part in the event that such failure shall cause injury, loss, or damage. In addition to any penalties provided herein, liability under common law may apply.

4. The failure of an underground facility owner to mark his or her facilities that are located in an area of excavation described in a notice of intent to excavate received by the

underground facility owner, as required by section 319.030, or the failure of an underground facility owner to be a notification center participant, consistent with the provisions of section 319.022, shall be a rebuttable presumption of negligence on the part of such owner in the event that such failure shall cause injury, loss, or damage. In addition to any penalties provided herein, liability under common law may apply.

319.045. CIVIL PENALTIES — ATTORNEY GENERAL MAY BRING ACTION AND SHALL MAKE PUBLIC NUMBER OF ENFORCEMENT ACTIONS. — 1. [In the event of any damage or dislocation or disturbance of any underground facility in connection with any excavation, the person responsible for the excavation operations shall immediately notify the notification center. This subsection shall be deemed to require reporting of any damage, dislocation, or disturbance to trace wires, encasements, cathode protection, permanent above-ground stakes or other such items utilized for protection of the underground facility.

2. In the event of any damage or dislocation or disturbance to any underground facility or any protective devices required to be reported by the excavator under subsection 1 of this section, in advance of or during the excavation work, the person responsible for the excavation operations shall not conceal or attempt to conceal such damage or dislocation or disturbance, nor shall that person attempt or make repairs to the facility unless authorized by the owner or operator of the facility. In the case of sewer lines or facilities, emergency temporary repairs may be made by the excavator after notification without the owners' or operators' authorization to prevent further damage to the facilities. Such emergency repairs shall not relieve the excavator of responsibility to make notification as required by subsection 1 of this section.

3.] Any person who violates in any material respect the provisions of section 319.022, 319.025, 319.026, [319.029,] 319.030, 319.037, or this section or who willfully damages an underground facility shall be liable to the state of Missouri for a civil penalty of up to ten thousand dollars for each violation for each day such violation persists, except that the maximum penalty for violation of the provisions of sections 319.010 to 319.050 shall not exceed five hundred thousand dollars for any related series of violations. An action to recover such civil penalty may be brought by the attorney general or a prosecuting attorney on behalf of the state of Missouri in any appropriate circuit court of this state. Trial thereof shall be before the court, which shall consider the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, the absence or existence of prior violations, whether the violation was a willful act, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require in determining the amount of penalty imposed.

[4.] 2. The attorney general may bring an action in any appropriate circuit court of this state for equitable relief to redress or restrain a violation by any person of any provision of sections 319.010 to 319.050. The court may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, temporary or permanent.

3. The attorney general shall make public the aggregate number of enforcement actions for the previously completed calendar year prior to March thirty-first of the current year.

319.046. ARBITRATION OF DISPUTES, WHEN. — **Parties with a dispute related to the provisions of sections 319.015 to 319.050 may request arbitration for disputes of less than five thousand dollars.**

319.050. EXEMPTIONS FROM REQUIREMENT TO OBTAIN INFORMATION. — **1.** The provisions of sections 319.025 and 319.026 shall not apply to any excavation when necessary due to an emergency as defined in section 319.015. An excavation may proceed regarding such emergency, provided all reasonable precautions have been taken to protect the underground

facilities. In any such case, the excavator shall give notification, substantially in compliance with section 319.026, as soon as practical, and upon being notified that an emergency exists, each underground facility owner in the area shall, within two hours after receiving such notice, provide markings or contact the excavator with any information immediately available to assist the excavator and shall inform the excavator if not able to mark within the two hours of when the underground facility will be marked at the site of the emergency.

2. For a request submitted as an emergency request that does not meet the definition of an emergency as defined in section 319.015, the facility owner shall notify the excavator within two hours that the request does not meet the requirements of an emergency, and the locate request will be marked within two working days under subsection 1 of section 319.030.

3. The excavator may be liable to the owner or operator for costs directly associated with the locating of any such underground facility relating to a notification of an emergency that does not meet the definition of emergency as stated in section 319.015.

[319.016. NOTIFICATION CENTER PARTICIPANT, COMMISSION NOT REQUIRED TO BE, WHEN. — Notwithstanding any provision of sections 319.010 to 319.050 to the contrary, the state highways and transportation commission shall not be required to be a notification center participant after December 31, 2014, but nothing in this section shall prohibit the commission from voluntarily choosing to be a notification center participant after that date.]

[319.028. PARTICIPATION IN NOTIFICATION CENTER REQUIRED, EXCEPTIONS — WITHDRAWAL FROM NOTIFICATION CENTER INADMISSIBLE IN COURT PROCEEDINGS. — 1. On or after January 1, 2003, an owner or operator of underground facilities, who has become a participant in the notification center as required in section 319.022, will maintain participation in the notification center, unless it is determined that the inaccuracy rate of the notification center reaches fifteen percent. The accuracy rate shall be determined by the number of notifications of an excavation, where the owner or operator has no underground facilities at the excavation site, as described in the excavators notification, divided by the total number of notifications to an owner or operator of underground facilities during any twelve-month period.

2. Once the notification center has an inaccuracy rate of fifteen percent or higher for any owner or operator of underground facilities, then any such owner or operator may withdraw from participation in the notification center by providing written notice to the notification center of its withdrawal. The owner or operator shall then file with the recorder of deeds for each county it has underground facilities a statement that it has underground facilities and a name and phone number of a contact person that excavators shall contact and notify of its intent to excavate. The owner or operator shall also publish, at least quarterly, in a newspaper or other publication of general circulation in counties that have underground facilities a statement that the owner or operator has underground facilities and who the excavator shall contact regarding its intent to excavate.

3. After January 1, 2003, in the event that an owner or operator withdraws from the notification center no party may use in any legal proceeding the fact that an owner or operator has withdrawn from the notification center as evidence to establish negligence, recklessness, lack of adherence to industry standards, or any other manner which would suggest that the owner or operator failed to comply with any standard of care.]

[319.029. NOTIFICATION REQUIRED PRIOR TO EXCAVATION. — Notwithstanding the fact that a project is a preengineered project or a permitted project, or that a design request was previously made, excavators connected therewith shall be required to give notification in accordance with sections 319.025 and 319.026 prior to commencement of excavation.]

[319.040. PRESUMPTION OF NEGLIGENCE, WHEN, REBUTTABLE. — The failure of any excavator to give notice of proposed excavation activities as required by this chapter shall be a rebuttable presumption of negligence on his part in the event that such failure shall cause injury, loss or damage. In addition to any penalties provided herein, liability under common law may apply.]

[319.041. SAFE AND PRUDENT EXCAVATION REQUIRED. — Nothing in the foregoing shall relieve an excavator from the obligation to excavate in a safe and prudent manner, nor shall it absolve an excavator from liability for damage to legally installed facilities.]

[389.585. DEFINITIONS. — As used in sections 389.585 to 389.591, the following terms mean:

(1) "Crossing", the construction, operation, repair, or maintenance of a facility over, under, or across a railroad right-of-way by a utility when the right-of-way is owned by a land management company and not a railroad or railroad corporation;

(2) "Direct expenses", includes, but is not limited to, any or all of the following:

(a) The cost of inspecting and monitoring the crossing site;

(b) Administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records and other reasonable administrative and engineering costs incurred as a result of the crossing;

(c) Document and preparation fees associated with a crossing and any engineering specifications related to the crossing;

(d) Damages assessed in connection with the rights granted to a utility with respect to a crossing;

(3) "Facility", any cable, conduit, wire, pipe, casing pipe, supporting poles and guys, manhole, or other material or equipment that is used by a utility to furnish any of the following:

(a) Communications, communications-related, wireless communications, video, or information services;

(b) Electricity;

(c) Gas by piped system;

(d) Petroleum or petroleum products by piped system;

(e) Sanitary and storm sewer service;

(f) Water by piped system;

(4) "Land management company", an entity that owns, leases, holds by easement, holds by adverse possession or otherwise possesses a corridor which is used for rail transportation purposes and is not a railroad or railroad corporation;

(5) "Land management corridor", includes one or more of the following:

(a) A right-of-way or other interest in real estate that is owned, leased, held by easement, held by adverse possession or otherwise possessed by a land management company and not a railroad or railroad corporation; and which is used for rail transportation purposes. "Land management corridor" does not include yards, terminals or stations. "Land management corridor" also does not include railroad tracks or lines which have been legally abandoned;

(b) Any other interest in a right-of-way formerly owned by a railroad or railroad corporation that has been acquired by a land management company or similar entity and which is used for rail transportation purposes;

(6) "Notice", a written description of the proposed project. Such notice shall include, at a minimum: a description of the proposed crossing including blueprints or plats, print copies of the engineering specifications for the crossing, a proposed time line for the commencement and completion of work at the crossing, a narrative description of the work to be performed at the crossing, proof of insurance for the work to be done and other reasonable requirements necessary for the processing of an application;

(7) "Railroad" or "railroad corporation", a railroad corporation organized and operating under chapter 388, or any other corporation, trustees of a railroad corporation, company, affiliate, association, joint stock association or company, firm, partnership, or individual, which is an owner, operator, occupant, lessee, manager, or railroad right-of-way agent acting on behalf of a railroad or railroad corporation;

(8) "Railroad right-of-way", includes one or more of the following:

(a) A right-of-way or other interest in real estate that is owned or operated by a land management company and not a railroad or railroad corporation;

(b) Any other interest in a former railroad right-of-way that has been acquired or is operated by a land management company or similar entity;

(9) "Special circumstances", includes either or both of the following:

(a) The characteristics of a segment of a railroad right-of-way not found in a typical segment of a railroad right-of-way that enhance the value or increase the damages or the engineering or construction expenses for the land management company associated with a proposed crossing, or to the current or reasonably anticipated use by a land management company of the railroad right-of-way, necessitating additional terms and conditions or compensation associated with a crossing;

(b) Variances from the standard specifications requested by the land management company;

"Special circumstances" may include, but is not limited to, the railroad right-of-way segment's relationship to other property, location in urban or other developed areas, the existence of unique topography or natural resources, or other characteristics or dangers inherent in the particular crossing or segment of the railroad right-of-way;

(10) "Telecommunications service", the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols;

(11) "Utility", shall include:

(a) Any public utility subject to the jurisdiction of the public service commission;

(b) Providers of telecommunications service, wireless communications, or other communications-related service;

(c) Any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003;

(d) Any rural electric cooperative; and

(e) Any municipally owned utility.]

[389.586. CROSSING BY UTILITY, NOTICE, APPROVAL OR REJECTION OF PROPOSAL — MAINTENANCE OF PROPERTY. — 1. After the land management company receives a copy of the notice from the utility, the land management company shall send a complete copy of that notice, by certified mail or by private delivery service which requires a return receipt, to the railroad or railroad corporation within two business days. No utility may commence a crossing until the railroad or railroad corporation has approved the crossing. The railroad or railroad corporation shall have thirty days from the receipt of the notice to review and approve or reject the proposed crossing. The railroad or railroad corporation shall reject a proposed crossing only if special circumstances exist. If the railroad or railroad corporation rejects a proposed crossing, the utility may submit an amended proposal for a crossing. The railroad or railroad corporation shall have an additional thirty days from receipt of the amended proposal to review and approve or reject the amended crossing proposal. The railroad or railroad corporation shall not unreasonably withhold approval. Once the railroad or railroad corporation grants such approval, and upon payment of the fee and any other payments authorized pursuant to sections 389.586 or 389.587, the utility shall be deemed to have authorization to commence the crossing activity. The utility shall provide the railroad or railroad corporation with written notification of the commencement of the crossing activity before beginning such activity.

2. The land management company and the utility shall maintain and repair its own property within the land management corridor and each shall bear responsibility for its own acts and omissions, except that the utility shall be responsible for any bodily injury or property damage arising from the installation, maintenance, repair and its use of the crossing. The railroad or railroad corporation may require the utility and the land management company to obtain reasonable amounts of comprehensive general liability insurance and railroad protective liability insurance coverage for a crossing, and that this insurance coverage name the railroad or railroad corporation as an insured. Further, the land management company and the utility shall provide the railroad or railroad corporation with proof that they have liability insurance coverage which meets such requirements, if any.

3. A utility shall have immediate access to a crossing for repair and maintenance of existing facilities in case of an immediate threat to life and upon notification to the applicable railroad or railroad corporation. Before commencing any such work, the utility must first contact the railroad or railroad corporation's dispatch center, command center or other facility which is designated to receive emergency communications.

4. The utility shall be provided a crossing, absent a claim of special circumstances, after payment by the utility of the standard crossing fee, submission of completed engineering specifications to the land management company, and approval of the crossing by the railroad or railroad corporation. The engineering specifications shall comply with the clearance requirements as established by the National Electrical Safety Code, the American Railway Engineering and Maintenance of Way Association and the standards of the applicable railroad or railroad corporation which are in effect and which apply to conditions at a particular crossing. The land management company and utility shall further be responsible for any modifications, upgrades or other changes which may be needed to comply with changes in said standards.

5. The utility, the railroad or railroad corporation, and the land management company shall agree to such other terms and conditions as may be necessary to provide for reasonable use of a land management corridor by a utility.]

[389.587. STANDARD CROSSING FEE AND OTHER COSTS. — Unless otherwise agreed by the parties and subject to section 389.588, a utility that locates its facilities

within the railroad right-of-way for a crossing, other than a crossing along a state highway or other public road, shall pay the land management company a one-time standard crossing fee of one thousand five hundred dollars for each crossing plus the costs associated with modifications to existing insurance contracts of the land management company. The standard crossing fee shall be in lieu of any license, permit, application, plan review, or any other fees or charges to reimburse the land management company for the direct expenses incurred by the land management company as a result of the crossing. The utility shall also reimburse the land management company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee. The railroad or railroad corporation has the right to halt work at the crossing if the flagging does not meet the standards of the railroad or railroad corporation. Nothing in this section is intended to otherwise restrict or limit any authority or right a utility may have to locate facilities at a crossing along a state highway or any other public road or to otherwise enter upon lands where authorized by law.]

[389.588. NEGOTIATION OF TERMS AND CONDITIONS, DISPUTE RESOLUTION AUTHORIZED — EMINENT DOMAIN, EFFECT ON. — 1. Notwithstanding the provisions of section 389.586, nothing shall prevent a land management company and a utility from otherwise negotiating the terms and conditions applicable to a crossing or the resolution of any disputes relating to the crossing so long as they do not interfere with the rights of a railroad or railroad corporation. No agreement between a land management company and a utility shall affect the rights, interests or operations of a railroad or railroad corporation.

2. Notwithstanding subsection 1 of this section, the provisions of this section shall not impair the authority of a utility to secure crossing rights by easement pursuant to the exercise of the power of eminent domain.]

[389.589. BINDING ARBITRATION, WHEN, PROCEDURE. — 1. If the parties cannot agree that special circumstances exist, the dispute shall be submitted to binding arbitration.

2. Either party may give written notice to the other party of the commencement of a binding arbitration proceeding in accordance with the commercial rules of arbitration in the American Arbitration Association. Any decision by the board of arbitration shall be final, binding and conclusive as to the parties. Nothing provided in this section shall prevent either party from submission of disputes to the courts. Land management companies and utilities may seek enforcement of sections 389.586 through 389.591 in a court of proper jurisdiction and shall be entitled to reasonable attorney fees if they prevail.

3. If the dispute over special circumstances concerns only the compensation associated with a crossing, then the utility may proceed with installation of the crossing during the pendency of the arbitration.]

[389.591. APPLICABILITY TO ALL CROSSINGS. — 1. Notwithstanding any provision of law to the contrary, sections 389.585 to 389.591 shall apply in all crossings of land management corridors involving a land management company and a utility and shall govern in the event of any conflict with any other provision of law, except that sections 389.585 to 389.591 shall not override or nullify the condemnation laws of this state nor confer the power of eminent domain on any entity not granted such power prior to August 28, 2013.

2. The provisions of sections 389.585 to 389.591 shall apply to a crossing commenced after August 28, 2013. These provisions shall also apply to a crossing

commenced before August 28, 2013, but only upon the expiration or termination of the agreement for such crossing.]

SECTION B. DELAYED EFFECTIVE DATE. — This act shall become effective January 1, 2015.

Approved June 30, 2014

HB 1882 [HCS HB 1882]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the administrative requirements of public employee retirement plans

AN ACT to repeal sections 21.557, 21.561, 21.562, 21.563, 21.564, 105.660, 105.664, 105.665, 105.666, 105.670, 105.683, and 105.684, RSMo, and to enact in lieu thereof twelve new sections relating to administrative requirements of public employee retirement plans.

SECTION

- A. Enacting clause.
- 21.557. Personnel and actuarial assistance authorized — compensation, how paid.
- 21.561. Retirement systems, state and local to cooperate.
- 21.562. Cost-of-living increases in pension benefits or other increases in payments beyond prior year, notice of to committee, when — evidence of actuarial soundness, when.
- 21.563. Report, contents — submitted when.
- 105.660. Definitions, retirement benefit changes.
- 105.664. Actuarial valuation performed at least biennially — forwarded to joint committee on public employee retirement, when.
- 105.665. Cost statement of proposed changes prepared by actuary — contents.
- 105.666. Board member education program, curriculum, requirements — annual pension benefit statement required.
- 105.670. Cost statement available for inspection — effect of changes (general assembly).
- 105.683. Plan deemed delinquent, when, effect of.
- 105.684. Benefit increases prohibited, when — amortization of unfunded actuarial accrued liabilities — accelerated contribution schedule required, when.
- 105.702. Minority and women money managers, brokers, and investment counselors, procurement action plan required — annual report.
- 21.564. Study by joint committee on public pensions, retirement and benefits — report to general assembly, when.

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

SECTION A. ENACTING CLAUSE. — Sections 21.557, 21.561, 21.562, 21.563, 21.564, 105.660, 105.664, 105.665, 105.666, 105.670, 105.683, and 105.684, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 21.557, 21.561, 21.562, 21.563, 105.660, 105.664, 105.665, 105.666, 105.670, 105.683, 105.684, and 105.702, to read as follows:

21.557. PERSONNEL AND ACTUARIAL ASSISTANCE AUTHORIZED — COMPENSATION, HOW PAID. — The committee may employ such personnel and actuarial assistance as it deems necessary to carry out its duties and prepare required reports. The compensation of such personnel and the expenses of the committee shall be paid from **moneys appropriated to the committee or from the joint contingent fund as approved** [or jointly from the senate and house contingent funds until an appropriation is made therefor].

21.561. RETIREMENT SYSTEMS, STATE AND LOCAL TO COOPERATE. — 1. All state and local public employee retirement systems shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested.

2. **If any state or local public employee retirement system does not comply with the committee's request for books, records, or information, or does not cooperate and assist the committee as provided in subsection 1 of this section, then the committee may request the staff or board members of any state or local public employee retirement system to testify before the committee regarding non-compliance with this section.**

3. The committee may subpoena witnesses, take testimony under oath, and compel the production of records.

21.562. COST-OF-LIVING INCREASES IN PENSION BENEFITS OR OTHER INCREASES IN PAYMENTS BEYOND PRIOR YEAR, NOTICE OF TO COMMITTEE, WHEN — EVIDENCE OF ACTUARIAL SOUNDNESS, WHEN. — 1. [All state and local public employee retirement systems providing periodic cost-of-living increases in pension and retirement benefits paid to its retired officers and employees and spouses of deceased officers and employees prior to September 28, 1985, shall notify the joint committee on public employee retirement of such periodic cost-of-living increases within seven days after September 28, 1985.

2.] All state or local public employee retirement systems shall notify the committee within seven calendar days when the governing body thereof which determines the amount and type of plan benefits to be paid takes final action providing any new or additional payments **beyond the plan provisions of the prior plan year** of periodic cost-of-living increases in pension and retirement benefits for its retired officers and employees and spouses of deceased officers and employees.

[3.] 2. If so requested at any time by the committee, any state or local public employee retirement system providing such periodic cost-of-living increases shall provide satisfactory evidence of its actuarial soundness.

21.563. REPORT, CONTENTS — SUBMITTED WHEN. — The committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the [fifteenth of January of] **annual first quarterly meeting of the joint committee on public employee retirement** each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action, as well as any recommendations to retirement system boards of management. The report shall also include an analysis and statement of the manner in which statutory provisions relating to public employee retirement programs are being executed.

105.660. DEFINITIONS, RETIREMENT BENEFIT CHANGES. — The following words and phrases as used in sections 105.660 to 105.685, unless a different meaning is plainly required by the context, shall mean:

(1) "Actuarial valuation", a mathematical process which determines plan financial condition and plan benefit cost;

(2) "Actuary", an actuary (i) who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and (ii) who is experienced in retirement plan financing;

(3) "Board", the governing board or decision-making body of a plan that is authorized by law to administer the plan;

(4) "Defined benefit plan", a plan providing a definite benefit formula for calculating retirement benefit amounts;

(5) "Defined contribution plan", a plan in which the contributions are made to an individual retirement account for each employee;

(6) "Funded ratio", the ratio of the actuarial value of assets over its actuarial accrued liability;

(7) "Lump sum benefit plan", payment within one taxable year of the entire balance to the participant from a plan;

(8) "Plan", any retirement system established by the state of Missouri or any political subdivision or instrumentality of the state for the purpose of providing plan benefits for elected or appointed public officials or employees of the state of Missouri or any political subdivision or instrumentality of the state;

(9) "Plan benefit", the benefit amount payable from a plan together with any supplemental payments from public funds;

(10) "Substantial proposed change", a proposed change in future plan benefits which would increase or decrease the total contribution percent by at least one-quarter of one percent of active employee payroll, or would increase or decrease a plan benefit by five percent or more, or would materially affect the actuarial soundness of the plan. In testing for such one-quarter of one percent of payroll contribution increase, the proposed change in plan benefits shall be added to all actual changes in plan benefits since the last date that an actuarial valuation was prepared. **The closing or freezing of a current defined benefit plan is considered a substantial proposed change only for the purposes of sections 105.665, 105.670, 105.675, and 105.685.**

105.664. ACTUARIAL VALUATION PERFORMED AT LEAST BIENNIALY —FORWARDED TO JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT, WHEN. — 1. Each plan shall at least biennially prepare and have available as public information an actuarial valuation performed in compliance with [the recommended] **applicable** standards and guidelines as set forth by the governmental accounting standards board. Any plan currently performing valuations on a biennial basis making a substantial proposed change in benefits as defined in section 105.660 shall have a new actuarial valuation performed using the same methods and assumptions for the most recent periodic actuarial valuation.

2. An actuarial valuation performed in compliance with applicable governmental accounting standards board pronouncements shall be forwarded to the joint committee on public employee retirement no later than sixty calendar days after completion or adoption of such valuation.

105.665. COST STATEMENT OF PROPOSED CHANGES PREPARED BY ACTUARY — CONTENTS. — 1. The legislative body or committee thereof which determines the amount and type of plan benefits to be paid shall, before taking final action on any substantial proposed change in plan benefits, cause to be prepared a statement regarding the cost of such change.

2. The cost statement shall be prepared by an actuary using the methods used in preparing the most recent periodic actuarial valuation for the plan and shall, without limitation by enumeration, include the following:

(1) The level normal cost of plan benefits currently in effect, which cost is expressed **both in estimated annual dollars and** as a percent of active employee payroll;

(2) The contribution for unfunded accrued liabilities currently payable by the plan, which cost is expressed **both in estimated annual dollars and** as a percent of active employee payroll and shall be over a period not to exceed thirty years;

(3) The total contribution rate expressed **both in estimated annual dollars and** as a percent of active [employees] **employee** payroll, which contribution rate shall be the total of the normal cost percent plus the contribution percent for unfunded accrued liabilities;

(4) A statement as to whether the legislative body is currently paying the total contribution rate as defined in subdivision (3) of this subsection;

(5) **The plan's actuarial value of assets, market value of assets, actuarial accrued liability, and funded ratio as defined in section 105.660 as of the most recent actuarial valuation;**

(6) The total **post change** contribution rate expressed **both in estimated annual dollars and** as a percent of active employee payroll [which would be sufficient to adequately fund the proposed change in benefits];

(7) A projection of at least ten years of the current plan provisions compared to the proposed change from the proposed effective date of such change including the total annual contribution requirements expressed both in estimated annual dollars and as a percent of active employee payroll, the actuarial value of assets, the market value of assets, the actuarial accrued liability, and the funded ratio as defined in section 105.660 except that such projection shall not apply to employers within the retirement system established in sections 70.600 to 70.755, but in lieu thereof shall include a prospective schedule of at least ten years containing current provision estimated employer contributions as a percent of payroll and estimated annual dollars, proposed provision estimated employer contributions as a percent of payroll and estimated annual dollars, and the resulting difference. Such schedule shall also contain the estimated difference between the actuarial accrued liability and actuarial value of assets for each scenario;

[6] (8) A statement as to whether such additional contributions are mandated by the proposed change;

[7] (9) A statement as to whether or not the proposed change would in any way impair the ability of the plan to meet the obligations thereof in effect at the time the proposal is made;

[8] (10) All assumptions relied upon to evaluate the present financial condition of the plan and all assumptions relied upon to evaluate the impact of the proposed change upon the financial condition of the plan, which shall be those assumptions used in preparing the most recent periodic actuarial valuation for the plan, unless the nature of the proposed change is such that alternative assumptions are clearly warranted, and shall be made and stated with respect to at least the following:

- (a) Investment return;
- (b) Pay increase;
- (c) Mortality of employees and officials, and other persons who may receive benefits under the plan;
- (d) Withdrawal (turnover);
- (e) Disability;
- (f) Retirement ages;
- (g) Change in active employee group size;

[9] (11) The actuary shall certify that in the actuary's opinion the assumptions used for the valuation produce results which, in the aggregate, are reasonable;

[10] (12) A description of the actuarial funding method used in preparing the valuation including a description of the method used and period applied in amortizing unfunded actuarial accrued liabilities];

(11) The increase in the total contribution amount required to adequately fund the proposed change in benefits, expressed in annual dollars as determined by multiplying the increase in total contribution rate by the active employee annual payroll used for this valuation].

105.666. BOARD MEMBER EDUCATION PROGRAM, CURRICULUM, REQUIREMENTS — ANNUAL PENSION BENEFIT STATEMENT REQUIRED. — 1. Each plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years shall attend at least [two]

a total of six hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member's term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested.

105.670. COST STATEMENT AVAILABLE FOR INSPECTION — EFFECT OF CHANGES (GENERAL ASSEMBLY). — When the general assembly is the legislative body responsible for authorizing a substantial proposed change in plan benefits, a prepared statement regarding the cost of such change shall be made available for its consideration prior to taking final action. Such statement of cost shall be prepared in accordance with section 105.665 and shall be available as public information for at least five legislative days before [final] **third reading and passage** by either [house] **the house of representatives or the senate**. The speaker or president pro tem may refer such bill for reconsideration upon receipt of the actuary statement to the committee to which the bill was originally referred. The bill shall retain its place on the calendar as though it had not been recalled. The committee shall report the bill to the house or senate, respectively, within seven calendar days with its recommendations. If any additional substantial proposed change as defined in subdivision [(5)] **(10)** of section 105.660, in cost or benefits is made by either [house] **the house of representatives or the senate** or committee thereof, the actuary making the original cost statement shall amend the statement to reflect the additional features **prior to the proposal being truly agreed to and finally passed**. The plan shall make available to the actuary such information as is necessary to prepare such actuarial statement. The statement of cost shall be filed with the chief clerk of the Missouri house of representatives, the secretary of the senate, and with the joint committee on public employee retirement.

105.683. PLAN DEEMED DELINQUENT, WHEN, EFFECT OF. — Any plan, other than a plan created under sections 169.010 to 169.141 or sections 169.600 to 169.715, whose actuary determines that the plan has a funded ratio below sixty percent and the political subdivision has failed to make one hundred percent of the actuarially required contribution payment for five successive plan years with a descending funded ratio for five successive plan years [after August 28, 2007], shall be deemed delinquent in the contribution payment and such delinquency in the contribution payment shall constitute a first lien on the funds of the political subdivision, and the

board as defined under section 105.660 is authorized to compel payment by application for a writ of mandamus; and in addition, such delinquency in the contribution payment shall be certified by the board to the state treasurer and director of the department of revenue. Until such delinquency in the contribution payment, together with regular interest, is satisfied, the state treasurer and director of the department of revenue shall withhold twenty-five percent of the certified contribution deficiency from the total moneys due the political subdivision from the state.

105.684. BENEFIT INCREASES PROHIBITED, WHEN — AMORTIZATION OF UNFUNDED ACTUARIAL ACCRUED LIABILITIES — ACCELERATED CONTRIBUTION SCHEDULE REQUIRED, WHEN. — 1. Notwithstanding any law to the contrary, no plan shall adopt or implement any additional benefit increase, supplement, enhancement, lump sum benefit payments to participants, or cost-of-living adjustment beyond current plan provisions in effect prior to August 28, 2007, **which would, in aggregate with any other proposed plan provisions, increase the plan's actuarial accrued liability when valued by an actuary using the same methods and assumptions as used in the most recent periodic valuation,** unless the plan's actuary determines that the funded ratio of the most recent periodic actuarial valuation and prior to such adoption or implementation is at least eighty percent and will not be less than seventy-five percent after such adoption or implementation. **Methods and assumptions used in valuing such proposed change may be modified if the nature is such that alternative assumptions are clearly warranted.**

2. The unfunded actuarial accrued liabilities associated with benefit changes described in this section shall be amortized over a period not to exceed twenty years for purposes of determining the contributions associated with the adoption or implementation of any such benefit increase, supplement, or enhancement.

3. Any plan with a funded ratio below sixty percent shall have the actuary prepare an accelerated contribution schedule based on a descending amortization period for inclusion in the actuarial valuation.

4. Nothing in this section shall apply to any plan established under chapter 70 or chapter 476.

5. Nothing in this section shall prevent a plan from adopting and implementing any provision necessary to maintain a plan's status as a qualified trust pursuant to 26 U.S.C. 401(a).

105.702. MINORITY AND WOMEN MONEY MANAGERS, BROKERS, AND INVESTMENT COUNSELORS, PROCUREMENT ACTION PLAN REQUIRED — ANNUAL REPORT. — All retirement plans defined under section 105.660 shall develop a procurement action plan for utilization of minority and women money managers, brokers, and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

[21.564. STUDY BY JOINT COMMITTEE ON PUBLIC PENSIONS, RETIREMENT AND BENEFITS — REPORT TO GENERAL ASSEMBLY, WHEN. — The joint committee on public employee retirement shall conduct a study of pension, retirement and other benefits and the taxation thereof by the state of Missouri in relation to recent federal court decisions and shall report its findings and recommendations to the general assembly no later than the beginning of the second regular session of the eighty-fifth general assembly.]

Approved June 20, 2014

HB 1968 [SCS HB 1968]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding health organizations and risk-based capital

AN ACT to repeal sections 354.465, 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270, 375.1272, and 375.1275, RSMo, and to enact in lieu thereof thirteen new sections relating to health organizations.

SECTION

- A. Enacting clause.
- 354.465. Examinations by division, when — costs, how paid.
- 375.1250. Definitions.
- 375.1252. RBC report, filed when — contents — formula, how determined — adjusted RBC report required, when.
- 375.1255. Company action level event, occurrence of, when — effect, duties of insurer or health organization — plan to be submitted, approval of, revision of, when — copies filed with all states in which insurer is authorized to transact business.
- 375.1257. Regulatory action level event, occurrence of, when — director's duties, corrective actions — plan to be submitted by insurer — or health organization.
- 375.1260. Authorized control level event, occurrence of, when — effect, duties of director.
- 375.1262. Mandatory control level event, occurrence of, when — effect, duties of director.
- 375.1265. Hearing, insurer's right to, when — procedures — judicial review of order, exceptions.
- 375.1267. Reports and plans confidential — RBC levels are regulatory tool, limitation on use.
- 375.1269. Provisions of law supplemental to other insurance laws — rules and regulations, authority — exemption of property — immunity from liability.
- 375.1270. Foreign insurers to submit RBC report to director, when — plan, submission of, when — powers of director.
- 375.1272. Notices, effective when.
- 375.1275. RBC reports for calendar year 1993, requirements — RBC reports for 1996, requirements — not applicable, when — 2014 filings for health organizations.

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

SECTION A. ENACTING CLAUSE. — Sections 354.465, 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270, 375.1272, and 375.1275, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 354.465, 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270, 375.1272, and 375.1275, to read as follows:

354.465. EXAMINATIONS BY DIVISION, WHEN — COSTS, HOW PAID. — 1. The director, or any duly appointed representative, may make an examination of the affairs of any health maintenance organization as often as he deems it necessary for the protection of the interests of the people of this state, but not less frequently than once every [three] **five** years.

2. All costs incurred by the state as a result of making examinations under this section shall be paid by the organization being examined and remitted [directly to the examiner or examiners conducting the examination on billings approved by the director] **as provided in section 374.160.**

375.1250. DEFINITIONS. — As used in sections 375.1250 to 375.1275 and in the Risk-Based Capital (RBC) Instructions, the following terms mean:

- (1) "Adjusted RBC report", an RBC report which has been adjusted in accordance with subsection 5 of section 375.1252;
- (2) "Corrective order", an order issued by the director specifying corrective actions which the director has determined are required;

(3) "Director", the director of the department of insurance, financial institutions and professional registration;

(4) **"Domestic health organization", a health organization domiciled in this state;**

(5) "Domestic insurer", any insurance company domiciled in this state;

(6) **"Foreign health organization", a health organization that is licensed to do business in this state under chapter 354 but is not domiciled in this state;**

[(5)] (7) "Foreign insurer", any insurance company which is licensed to do business in this state under section 375.791, but is not domiciled in this state;

(8) **"Health organization", a health services corporation, health maintenance organization, limited health service organization, dental or vision plan, hospital, medical and dental indemnity or service corporation, or other managed care organization licensed under chapter 354, but not an organization that is defined as a life and health insurer or property and casualty insurer by this section and otherwise subject to either the life or property and casualty RBC requirements;**

[(6)] (9) "Life and health insurer", any insurance company licensed under chapter 376 or a licensed property and casualty insurer writing only accident and health insurance;

[(7)] (10) "NAIC", the National Association of Insurance Commissioners;

[(8)] (11) "Negative trend", with respect to life and health insurers, a negative trend over a period of time, as determined in accordance with the trend test calculations included in the RBC instructions;

[(9)] (12) "Property and casualty insurer", any insurance company licensed under chapter 379, but such term shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers;

[(10)] (13) "RBC instructions", the RBC report, including risk-based capital instructions adopted by the NAIC, as such RBC instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC;

[(11)] (14) "RBC level", an [insurer's] **insurer or health organization's** company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(a) "Company action level RBC" means, with respect to any insurer **or health organization**, the product of 2.0 and its authorized control level RBC;

(b) "Regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(c) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instruction; and

(d) "Mandatory control level RBC" means the product of .70 and the authorized control level RBC;

[(12)] (15) "RBC plan", a comprehensive financial plan containing the elements specified in subsection 2 of section 375.1255. If the director rejects the RBC plan and it is revised by the insurer **or health organization**, with or without the director's recommendation, the plan shall be called the "Revised RBC Plan";

[(13)] (16) "RBC report", the report required in section 375.1252;

[(14)] (17) "Total adjusted capital", the sum of:

(a) An [insurer's] **insurer or health organization's** statutory capital and surplus as determined in accordance with the statutory accounting applicable to the annual financial reports required to be filed under **chapter 354 for health organizations**, section 376.350 for domestic life and health insurers, section 379.105 for domestic property and casualty insurers and section 375.891 for foreign insurers; and

(b) Such other items, if any, as the RBC instructions may provide.

375.1252. RBC REPORT, FILED WHEN — CONTENTS — FORMULA, HOW DETERMINED — ADJUSTED RBC REPORT REQUIRED, WHEN. — 1. Every domestic insurer and every health

organization shall, on or prior to each March first, prepare and submit to the director a report of its RBC level as of the end of the calendar year just ended, in a form and containing such information as is required by the RBC instructions. In addition, every domestic insurer **and every domestic health organization** shall file its RBC report:

(1) With the NAIC in accordance with the RBC instructions; and

(2) With the chief insurance regulatory official in any state in which the insurer **or health organization** is authorized to do business, if such official has notified the insurer **or health organization** of its request in writing, in which case the insurer **or health organization** shall file its RBC report not later than the later of:

(a) Fifteen days from the receipt of notice to file its RBC report with that state; or

(b) The filing date.

2. A life and health insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:

(1) The risk with respect to the insurer's assets;

(2) The risk of adverse insurance experience with respect to the insurer's insurance liabilities and obligations;

(3) The interest rate risk with respect to the insurer's business; and

(4) All other business risks and such other relevant risks as are set forth in the RBC instructions. Such risks shall be determined in each case by applying the factors in the manner set forth in the RBC instructions.

3. A property and casualty insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:

(1) Asset risk;

(2) Credit risk;

(3) Underwriting risk; and

(4) All other business risks and such other relevant risks as are set forth in the RBC instructions. Such risks shall be determined in each case by applying the factors in the manner set forth in the RBC instructions.

4. A **health organization's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:**

(1) Asset risk;

(2) Credit risk;

(3) Underwriting risk; and

(4) All other business risks and such other relevant risks as are set forth in the RBC instructions. Such risks shall be determined in each case by applying the factors in the manner set forth in the RBC instructions.

5. Insurers **and health organizations** should seek to maintain capital above the RBC levels required by sections 375.1250 to 375.1275, as such additional capital helps to secure an insurer against various risks inherent in, or affecting, the business of insurance and not accounted for or partially measured by the risk-based capital requirements contained in sections 375.1250 to 375.1275.

[5.] 6. If a domestic insurer **or domestic health organization** files an RBC report which in the judgment of the director is inaccurate, then the director shall adjust the RBC report to correct the inaccuracy and shall notify the insurer **or health organization** of the adjustment. The notice shall contain a statement of the reason for the adjustment. An RBC report as so adjusted is referred to as an "adjusted RBC report".

375.1255. COMPANY ACTION LEVEL EVENT, OCCURRENCE OF, WHEN — EFFECT, DUTIES OF INSURER OR HEALTH ORGANIZATION — PLAN TO BE SUBMITTED, APPROVAL OF,

REVISION OF, WHEN — COPIES FILED WITH ALL STATES IN WHICH INSURER IS AUTHORIZED TO TRANSACT BUSINESS. — 1. "Company action level event" means with respect to any insurer or health organization, any of the following events:

(1) The filing of an RBC report by the insurer or health organization which indicates that:

(a) The [insurer's] insurer or health organization's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; or

(b) If a life and health insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level [capital] RBC and [2.5] 3.0, and has a negative trend;

(c) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC report instructions;

(d) If a health organization has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the health RBC instructions;

(2) The notification by the director to the insurer or health organization of an adjusted RBC report that indicates the event in paragraph (a), (b), [or] (c), or (d) of subdivision (1) of this subsection, if the insurer or health organization does not challenge the adjusted RBC report pursuant to section 375.1265;

(3) If pursuant to section 375.1265 the insurer or health organization challenges an adjusted RBC report that indicates the event described in subdivision (1) of this subsection, the notification by the director to the insurer or health organization that the director has, after a hearing, rejected the [insurer's] insurer or health organization's challenge.

2. In the event of a company action level event the insurer or health organization shall prepare and submit to the director an RBC plan which shall:

(1) Identify the conditions in the insurer or health organization which contribute to the company action level event;

(2) Contain proposals of corrective actions which the insurer or health organization intends to take and would be expected to result in the elimination of the company action level event;

(3) (a) Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital or surplus. The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense and benefit component;

(b) Provide projections of the health organization's financial results in the current year and at least the two succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory balance sheets, operating income, net income, capital and surplus, and RBC levels. The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense, and benefit component;

(4) Identify the key assumptions impacting the [insurer's] insurer or health organization's projections and the sensitivity of the projections to the assumptions; and

(5) Identify the quality of, and problems associated with, the [insurer's] insurer or health organization's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance in each case, if any.

3. The RBC plan shall be submitted:

(1) Within forty-five days of the company action level event; or
(2) If the insurer **or health organization** challenges an adjusted RBC report pursuant to section 375.1265 within forty-five days after notification to the insurer **or health organization** that the director has, after a hearing, rejected the [insurer's] **insurer or health organization's** challenge.

4. Within sixty days after the submission by an insurer **or health organization** of an RBC plan to the director, the director shall notify the insurer **or health organization** whether the RBC plan shall be implemented or is, in the judgment of the director, unsatisfactory. If the director determines the RBC plan is unsatisfactory, the notification to the insurer **or health organization** shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory, in the judgment of the director. Upon notification from the director, the insurer **or health organization** shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the director, and shall submit the revised RBC plan to the director:

(1) Within forty-five days after the notification from the director; or
(2) If the insurer **or health organization** challenges the notification from the director pursuant to section 375.1265, within forty-five days after a notification to the insurer **or health organization** that the director has, after a hearing, rejected the [insurer's] **insurer or health organization's** challenge.

5. In the event of a notification by the director to an insurer **or health organization** that the [insurer's] **insurer or health organization's** RBC plan or revised RBC plan is unsatisfactory, the director may at the director's discretion, subject to the [insurer's] **insurer or health organization's** right to a hearing under section 375.1265, specify in the notification that the notification constitutes a regulatory action level event.

6. Every domestic insurer **or domestic health organization** that files an RBC plan or revised RBC plan with the director shall file a copy of the RBC plan or revised RBC plan with the chief insurance regulatory official in any state in which the insurer is authorized to do business if:

(1) Such state has an RBC provision, substantially similar to subsection 1 of section 375.1267; and

(2) The chief insurance regulatory official of that state has notified the insurer **or health organization** of its request for the filing in writing, in which case the insurer **or organization** shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(a) Fifteen days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(b) The date on which the RBC plan or revised RBC plan is filed under subsection 3 or 4 of this section.

375.1257. REGULATORY ACTION LEVEL EVENT, OCCURRENCE OF, WHEN — DIRECTOR'S DUTIES, CORRECTIVE ACTIONS — PLAN TO BE SUBMITTED BY INSURER — OR HEALTH ORGANIZATION. — 1. "Regulatory action level event" means, with respect to any insurer **or health organization**, any of the following events:

(1) The filing of an RBC report by the insurer **or health organization** which indicates that the [insurer's] **insurer or health organization's** total adjusted capital is greater than or equal to its authorized control level RBC but less than its regulatory action level RBC;

(2) The notification by the director to an insurer **or health organization** of an adjusted RBC report that indicates the event in subdivision (1) of this subsection, if the insurer **or health organization** does not challenge the adjusted RBC report under section 375.1265;

(3) If, pursuant to section 375.1265, the insurer **or health organization** challenges an adjusted RBC report that indicates the event in subdivision (1) of this subsection, the notification by the director to the insurer **or health organization** that the director has, after a hearing, rejected the [insurer's] **insurer or health organization's** challenge;

(4) The failure of the insurer **or health organization** to file an RBC report by the filing date, unless the insurer **or health organization** has provided an explanation for such failure which is satisfactory to the director and has cured the failure within ten days after the filing date;

(5) The failure of the insurer **or health organization** to submit an RBC plan to the director within the time period set forth in subsection 3 of section 375.1255;

(6) Notification by the director to the insurer **or health organization** that:

(a) The RBC plan or revised RBC plan submitted by the insurer **or health organization** is, in the judgment of the director, unsatisfactory; and

(b) Such notification constitutes a regulatory action level event with respect to the insurer **or health organization**, where the insurer **or health organization** has not challenged the determination under section 375.1265;

(7) If, pursuant to section 375.1265, the insurer **or health organization** challenges a determination by the director under subdivision (6) of this subsection, the notification by the director to the insurer **or health organization** that the director has, after a hearing, rejected such challenge;

(8) Notification by the director to the insurer **or health organization** that the insurer **or health organization** has failed to adhere to its RBC plan or revised RBC plan, but only if such failure has a substantial adverse effect on the ability of the insurer **or health organization** to eliminate the company action level event in accordance with its RBC plan or revised RBC plan and the director has so stated in the notification provided the insurer **or health organization** has not challenged the determination under section 375.1265; or

(9) If, pursuant to section 375.1265, the insurer **or health organization** challenges a determination by the director under subdivision (8) of this subsection the notification by the director to the insurer **or health organization** that the director has, after a hearing, rejected the challenge.

2. In the event of a regulatory action level event the director shall:

(1) Require the insurer **or health organization** to prepare and submit an RBC plan or, if applicable, a revised RBC plan;

(2) Perform such examination or analysis as the director deems necessary of the assets, liabilities and operations of the insurer **or health organization**, including a review of its RBC plan or revised RBC plan; and

(3) Subsequent to the examination or analysis, issue an order specifying such corrective actions as the director shall determine are required.

3. In determining corrective actions, the director may take into account such factors as are deemed relevant with respect to the insurer **or health organization** based upon the director's examination or analysis of the assets, liabilities and operations of the insurer **or health organization**, including, but not limited to, the results of any sensitivity tests undertaken pursuant to the RBC instructions. The RBC plan or revised RBC plan shall be submitted:

(1) Within forty-five days after the occurrence of the regulatory action level event;

(2) If the insurer **or health organization** challenges an adjusted RBC report pursuant to section 375.1265, within forty-five days after the notification to the insurer **or health organization** that the director has, after a hearing, rejected the [insurer's] **insurer or health organization's** challenge; or

(3) If the insurer **or health organization** challenges a revised RBC plan under section 375.1265, within forty-five days after notification to the insurer **or health organization** that the director has, after a hearing, rejected the challenge.

4. The director may retain actuaries and investment experts and other consultants as may be necessary in the judgment of the director to review the [insurer's] **insurer or health organization's** RBC plan or revised RBC plan, examine or analyze the assets, liabilities and operations of the insurer **or health organization** and formulate the corrective order with respect to the insurer **or health organization**. The fees, costs and expenses relating to the consultants shall be borne by the affected insurer **or health organization**.

375.1260. AUTHORIZED CONTROL LEVEL EVENT, OCCURRENCE OF, WHEN — EFFECT, DUTIES OF DIRECTOR. — 1. "Authorized control level event" means any of the following events:

(1) The filing of an RBC report by the insurer **or health organization** which indicates that the [insurer's] **insurer or health organization's** total adjusted capital is greater than or equal to its mandatory control level RBC but less than its authorized control level RBC;

(2) The notification by the director to the insurer **or health organization** of an adjusted RBC report that indicates the event in subdivision (1) of this subsection provided the insurer **or health organization** does not challenge the adjusted RBC report under section 375.1265;

(3) If, pursuant to section 375.1265, the insurer **or health organization** challenges an adjusted RBC report that indicates the event in subdivision (1) of this subsection, notification by the director to the insurer **or health organization** that the director has, after a hearing, rejected the [insurer's] **insurer or health organization's** challenge;

(4) The failure of the insurer **or health organization** to respond, in a manner satisfactory to the director, to a corrective order provided the insurer **or health organization** has not challenged the corrective order under section 375.1265; or

(5) If the insurer **or health organization** has challenged a corrective order under section 375.1265 and the director has, after a hearing, rejected the challenge or modified the corrective order, the failure of the insurer **or health organization** to respond, in a manner satisfactory to the director, to the corrective order subsequent to rejection or modification by the director.

2. In the event of an authorized control level event the director shall:

(1) Take such actions as are required under section 375.1257 regarding an insurer **or health organization** with respect to which a regulatory action level event has occurred; or

(2) If the director deems it to be in the best interests of the policyholders and creditors of the insurer **or health organization** and of the public, take such actions as are necessary to cause the insurer **or health organization** to be placed under regulatory control under sections 375.1150 to 375.1246. In the event the director takes such actions, the authorized control level event shall be deemed sufficient grounds for the director to take action pursuant to sections 375.1150 to 375.1246, and the director shall have the rights, powers and duties with respect to the insurer **or health organization** as are set forth in sections 375.1150 to 375.1246. In the event the director takes actions under this subdivision pursuant to an adjusted RBC report, the insurer **or health organization** shall be entitled to such protections as are afforded to insurers **or health organizations** pursuant to the provisions of sections 375.570 to 375.640, provided that the adjusted RBC report shall be deemed a report of examination.

375.1262. MANDATORY CONTROL LEVEL EVENT, OCCURRENCE OF, WHEN — EFFECT, DUTIES OF DIRECTOR. — 1. "Mandatory control level event" means, with respect to any insurer **or health organization**, any of the following events:

(1) The filing of an RBC report which indicates that the [insurer's] **insurer or health organization's** total adjusted capital is less than its mandatory control level RBC;

(2) Notification by the director to the insurer **or health organization** of an adjusted RBC report that indicates the event in subdivision (1) of this subsection if the insurer **or health organization** does not challenge the adjusted RBC report under section 375.1265; or

(3) If, pursuant to section 375.1265, the insurer **or health organization** challenges an adjusted RBC report that indicates the event in subdivision (1) of this subsection, notification by the director to the insurer **or health organization** that the director has, after a hearing, rejected the [insurer's] **insurer or health organization's** challenge.

2. In the event of a mandatory control level event the director shall take such actions as are necessary to place the insurer **or health organization** under regulatory control under sections 375.1150 to 375.1246, or, in the case of a property and casualty insurer which is writing no business, may allow the insurer to continue its existing policies until expiration of the policy term and settlement of all outstanding claims under the supervision of the director. In either event, the

mandatory control level event shall be deemed sufficient grounds for the director to take action pursuant to sections 375.1150 to 375.1246, and the director shall have the rights, powers and duties with respect to the insurer **or health organization** as are set forth in sections 375.1150 to 375.1246. In the event the director takes actions pursuant to an adjusted RBC report, the insurer **or health organization** shall be entitled to such protections as are afforded to insurers **or health organizations** pursuant to the provisions of sections 375.570 to 375.640, if the adjusted RBC report shall be deemed a report of examination. Notwithstanding any other provision of this subsection to the contrary, the director may forego action for up to ninety days after the mandatory control level event if the director finds there is a reasonable expectation that the mandatory control level event be eliminated within the ninety-day period.

375.1265. HEARING, INSURER'S RIGHT TO, WHEN — PROCEDURES — JUDICIAL REVIEW OF ORDER, EXCEPTIONS. — 1. Upon:

- (1) Notification to an insurer **or health organization** by the director of an adjusted RBC report; or
- (2) Notification to an insurer **or health organization** by the director that:
 - (a) The [insurer's] **insurer or health organization's** RBC plan or revised RBC plan is unsatisfactory; and
 - (b) Such notification constitutes a regulatory action level event with respect to such insurer **or health organization**; or
- (3) Notification to any insurer **or health organization** by the director that the insurer **or health organization** has failed to adhere to its RBC plan or revised RBC plan and that such failure has a substantial adverse effect on the ability of the insurer **or health organization** to eliminate the company action level event with respect to the insurer **or health organization** in accordance with its RBC plan or revised RBC plan; or
- (4) Notification to an insurer **or health organization** by the director of a corrective order with respect to the insurer **or health organization**; the insurer **or health organization** shall have the right to a confidential departmental hearing, with a record made, at which the insurer **or health organization** may challenge any determination or action by the director. The insurer **or health organization** shall notify the director of its request for a hearing within five days after the notification by the director pursuant to this subsection. Upon receipt of the [insurer's] **insurer or health organization's** request for a hearing, the director shall set a date for the hearing, which date shall be no less than ten nor more than thirty days after the date of the [insurer's] **insurer or health organization's** request.

2. An insurer **or health organization** aggrieved by an order of the director after a hearing pursuant to subsection 1 of this section may obtain judicial review of such order pursuant to sections 536.100 to 536.140, except that:

- (1) No insurer **or health organization** shall be deemed aggrieved unless the director has either:
 - (a) Made the director's order public; or
 - (b) Taken action pursuant to sections 375.1250 to 375.1275 or pursuant to sections 375.1165 to 375.1246; or
 - (c) Issued a corrective order after the hearing;
- (2) If the director has taken action as described in paragraph (b) of subdivision (1) of subsection 1 of this section, judicial review pursuant to this section shall be consolidated with and be pendent to the action pursuant to the director's action.

3. There shall be no judicial review of any action by the director pursuant to sections 375.1250 to 375.1275 except as provided in subsection 2 of this section.

375.1267. REPORTS AND PLANS CONFIDENTIAL — RBC LEVELS ARE REGULATORY TOOL, LIMITATION ON USE. — 1. All RBC reports, to the extent the information therein is not required to be set forth in a publicly available annual statement schedule, and RBC plans,

including the results or report of any examination or analysis of an insurer **or health organization** performed pursuant to this section and any corrective order issued by the director pursuant to examination or analysis, with respect to any **domestic** insurer [or], foreign insurer, **health organization, or foreign health organization** which are filed with the director constitute information that might be damaging to the **domestic** insurer [or], foreign insurer, **health organization, or foreign health organization** if made available to its competitors, and therefore shall be kept confidential by the director. This information shall neither be made public nor be subject to subpoena, other than by the director and then only for the purpose of enforcement actions taken by the director pursuant to sections 375.1250 to 375.1275 or any other provision of the insurance laws of this state.

2. The comparison of an [insurer's] **insurer or health organization's** total adjusted capital to any of its RBC levels is a regulatory tool which may indicate the need for possible corrective action with respect to the insurer **or health organization**, and is not intended as a means to rank insurers **or health organizations** generally. Therefore, except as otherwise required pursuant to the provisions of sections 375.1250 to 375.1275, the making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly, the making, publishing, disseminating, circulating or placing before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing an assertion, representation or statement with regard to the RBC levels of any insurer **or health organization**, or of any component derived in the calculations by any insurer **or health organization**, agent, broker, or other person engaged in any manner in the business of insurance would be misleading and is therefore an unfair trade practice as defined in section 375.934; except that if any materially false statement with respect to the comparison regarding an [insurer's] **insurer or health organization's** total adjusted capital to its RBC levels or an inappropriate comparison of any other amount to the [insurer's] **insurer or health organization's** RBC levels is published in any written publication and the insurer **or health organization** is able to demonstrate with substantial proof the falsity of such statement, or the inappropriateness, as the case may be, then the insurer **or health organization** may publish an announcement in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

3. The RBC instructions, RBC reports, adjusted RBC reports, RBC plans and revised RBC plans are intended solely for use by the director in monitoring the solvency of insurers **and health organizations** and the need for possible corrective action with respect to insurers **or health organizations** and shall not be used by the director for ratemaking nor considered or introduced as evidence in any rate proceeding nor used by the director to calculate or derive any elements of an appropriate premium level or rate of return for any line of insurance which an insurer, **health organization**, or any affiliate is authorized to write.

4. **In order to assist in the performance of the director's duties, the director:**

(1) **May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection 1 of this section, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;**

(2) **May receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and**

(3) **May enter into agreements governing sharing and use of information consistent with this subsection.**

5. **No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the director under this section or as a result of sharing as authorized in subdivision (3) of subsection 4 of this section.**

375.1269. PROVISIONS OF LAW SUPPLEMENTAL TO OTHER INSURANCE LAWS — RULES AND REGULATIONS, AUTHORITY — EXEMPTION OF PROPERTY — IMMUNITY FROM LIABILITY. — 1. The provisions of sections 375.1250 to 375.1275 are supplemental to any other provisions of the laws of this state, and shall not preclude or limit any other powers or duties of the director under such laws, including but not limited to sections 375.1150 to 375.1246.

2. The director may adopt reasonable rules and regulations necessary for the implementation of sections 375.1250 to 375.1275. No rule or regulation promulgated under authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director may exempt from the provisions of sections 375.1250 to 375.1275 any domestic property and casualty insurer which:

- (1) Writes direct business only in this state;
- (2) Writes direct annual premiums of two million dollars or less; and
- (3) Assumes no reinsurance in excess of five percent of direct premium written.

4. **The director may exempt from the provisions of sections 375.1250 to 375.1275 any domestic health organization that:**

- (1) **Writes direct business only in this state; and**
- (2) **Writes direct annual premiums of two million dollars or less; and**
- (3) **Assumes no reinsurance in excess of five percent of direct premium written; or**
- (4) **Is a limited health service organization that covers less than two thousand lives.**

5. There shall be no liability on the part of, and no cause of action shall arise against, the director, the department of insurance, financial institutions and professional registration or its employees or agents for any action taken by them in the performance of their powers and duties under sections 375.1250 to 375.1275.

375.1270. FOREIGN INSURERS TO SUBMIT RBC REPORT TO DIRECTOR, WHEN — PLAN, SUBMISSION OF, WHEN — POWERS OF DIRECTOR. — 1. Any foreign insurer **or foreign health organization** shall, upon the written request of the director, submit to the director an RBC report as of the end of the calendar year just ended the later of:

(1) The date an RBC report would be required to be filed by [an] **a domestic insurer or domestic health organization** under sections 375.1250 to 375.1275; or

(2) Fifteen days after the request is received by the foreign insurer **or foreign health organization**.

2. Any foreign insurer **or foreign health organization** shall, at the written request of the director, promptly submit to the director a copy of any RBC plan that is filed with the chief insurance regulatory official of any other state.

3. In the event of a company action level event regulatory action level event or authorized control level event with respect to any foreign insurer **or foreign health organization** as determined under the RBC statute applicable in the state of domicile of the insurer or, if no RBC provision is in force in that state, under the provisions of sections 375.1250 to 375.1275, if the chief insurance regulatory official of the state of domicile of the foreign insurer **or foreign health organization** fails to require the foreign insurer **or foreign health organization** to file an RBC plan in the manner specified under the RBC statute or, if no RBC provision is in force in the state, under section 375.1255, the director may require the foreign insurer **or foreign health organization** to file an RBC plan with the director. In such event, the failure of the foreign

insurer **or foreign health organization** to file an RBC plan with the director shall be grounds to order the insurer **or foreign health organization** to cease and desist from writing new insurance business in this state, pursuant to the procedures set forth in section 374.046.

4. In the event of a mandatory control level event with respect to any foreign insurer **or foreign health organization**, if no domiciliary receiver has been appointed with respect to the foreign insurer **or foreign health organization** under the rehabilitation and liquidation statute applicable in the state of domicile of the foreign insurer **or foreign health organization**, the director may make application to the circuit court of Cole County permitted pursuant to section 375.1234 with respect to the liquidation of property of foreign insurers **or foreign health organizations** found in this state, and the occurrence of the mandatory control level event shall be considered adequate grounds for the application.

375.1272. NOTICES, EFFECTIVE WHEN. — All notices by the director to an insurer **or health organization** which may result in regulatory action under sections 375.1250 to 375.1275 shall be effective upon dispatch if transmitted by registered or certified mail, or in the case of any other transmission shall be effective upon the [insurer's] **insurer or health organization's** receipt of such notice.

375.1275. RBC REPORTS FOR CALENDAR YEAR 1993, REQUIREMENTS — RBC REPORTS FOR 1996, REQUIREMENTS — NOT APPLICABLE, WHEN — 2014 FILINGS FOR HEALTH ORGANIZATIONS. — 1. For RBC reports required to be filed by life and health insurers with respect to 1993, the following requirements shall apply in lieu of the provisions of section 375.1255:

(1) In the event of a company action level event with respect to an insurer, the director shall take no regulatory action;

(2) In the event of a regulatory action level event pursuant to section 375.1257, the director shall take the actions required pursuant to section 375.1255;

(3) In the event of a regulatory action level event pursuant to section 375.1257 or an authorized control level event, the director shall take the actions required pursuant to section 375.1257 with respect to the insurer;

(4) In the event of a mandatory control level event with respect to an insurer, the director shall take the actions required pursuant to section 375.1260 with respect to the insurer.

2. For RBC reports required to be filed by property and casualty insurers with respect to 1996, the following requirements shall apply in lieu of the provisions of sections 375.1255 to 375.1262:

(1) In the event of a company action level event with respect to a domestic insurer, the director shall take no regulatory action under sections 375.1250 to 375.1275;

(2) In the event of a regulatory action level event under subdivision (1), (2) or (3) of subsection 1 of section 375.1257, the director shall take the actions required under section 375.1255;

(3) In the event of a regulatory action level event under subdivision (4), (5), (6), (7), (8) or (9) of subsection 1 of section 375.1257 or an authorized control level event, the director shall take the actions required under section 375.1257, with respect to the insurer;

(4) In the event of a mandatory control level event, the director shall take the actions required under section 375.1260 with respect to the insurer.

3. **For RBC reports required to be filed by health organizations with respect to 2014, the following requirements shall apply in lieu of the provisions of sections 375.1255 to 375.1262:**

(1) In the event of a company action level event with respect to a domestic health organization, the director shall take no regulatory action;

(2) In the event of a regulatory action level event under subdivisions (1) to (3) of subsection 1 of section 375.1257, the director shall take the actions required pursuant to section 375.1255;

(3) In the event of a regulatory action level event under subdivisions (4) to (9) of subsection 1 of section 375.1257 or an authorized control level event, the director shall take the actions required under section 375.1257 with respect to the health organization;

(4) In the event of a mandatory control level event with respect to a health organization, the director shall take the actions required under section 375.1260 with respect to the health organization.

4. The actions required under sections 375.1255 to 375.1262 or this section shall not apply to any insurer operating under the provisions of sections 287.900 to 287.920 which is under any order of supervision, including waivers of requirements for capital and surplus, issued or commenced by the director prior to August 28, 1996. This provision shall remain in effect until such order or proceeding expires or is otherwise terminated by further order of the director.

Approved June 19, 2014

HB 2029 [HB 2029]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes a sales tax exemption for replacement parts to aircraft

AN ACT to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for aircraft.

SECTION

- A. Enacting clause.
144.030. Exemptions from state and local sales and use taxes.

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

SECTION A. ENACTING CLAUSE. — Section 144.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.030, to read as follows:

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will

be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with

one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
 - (b) Used on land owned or leased for the purpose of producing farm products; and
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(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) [Beginning January 1, 2009, but not after January 1, 2015,] **All** materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

Approved July 8, 2014

HB 2040 [HCS HB 2040]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows first responders to administer naloxone to patients suspected of a narcotic or opiate overdose

AN ACT to amend chapter 190, RSMo, by adding thereto one new section relating to drug overdose treatment.

SECTION

A. Enacting clause.
190.255. Naloxone, first responder may administer, when — definition.

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

SECTION A. ENACTING CLAUSE. — Chapter 190, RSMo, is amended by adding thereto one new section, to be known as section 190.255, to read as follows:

190.255. NALOXONE, FIRST RESPONDER MAY ADMINISTER, WHEN — DEFINITION. —
1. Any qualified first responder may obtain and administer naloxone to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone to qualified first responder agencies to allow the agency to stock naloxone for the administration of such drug to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any state and local law enforcement agency staff, fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109 who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone in an apparent narcotic or opiate overdose situation.

4. A qualified first responder shall only administer naloxone by such means as the qualified first responder has received training for the administration of naloxone.

Approved July 3, 2014

HB 2077 [HB 2077]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Creates the Surplus Revenue Fund

AN ACT to amend chapter 21, RSMo, by adding thereto one new section relating to the surplus revenue fund.

SECTION

- A. Enacting clause.
 21.930. Fund created, certain general revenue collections to be deposited, use of moneys — certain refunds to be paid in full, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.930, to read as follows:

21.930. FUND CREATED, CERTAIN GENERAL REVENUE COLLECTIONS TO BE DEPOSITED, USE OF MONEYS — CERTAIN REFUNDS TO BE PAID IN FULL, WHEN. — 1. There is hereby created in the state treasury the "Surplus Revenue Fund", which shall consist of money collected under subsection 2 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. If, during the two-year fiscal period beginning July 1, 2013, and ending June 30, 2015, Missouri general revenue collections net of refunds exceed sixteen billion eight hundred thirty-four million dollars, the state treasurer shall deposit from moneys that otherwise would have been deposited into the general revenue fund an amount not to exceed two hundred fifteen million dollars. Moneys in the surplus revenue fund shall be subject to appropriation by the general assembly.

3. Notwithstanding any other provision of law to the contrary, refunds owed to Missouri taxpayers for the two-year fiscal period beginning July 1, 2013, and ending June 30, 2015, shall be paid in full on or before June 30, 2015.

Approved July 2, 2014

HB 2141 [SCS HCS HB 2141]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Modifies measurement standards and tax rates for compressed and liquefied natural gas as a motor fuel

AN ACT to repeal sections 142.803, 142.869, 305.230, 323.010, 323.025, 323.050, 413.225, and 413.226, RSMo, and to enact in lieu thereof eight new sections relating to alternative motor fuel, with an effective date and an existing penalty provision.

SECTION

- A. Enacting clause.
- 142.803. Imposition of tax on fuel, amount — collection and precollection of tax.
- 142.869. Alternative fuel decal fee in lieu of tax — decal — penalty.
- 305.230. Aeronautics program, highways and transportation commission to administer — purposes — aviation trust fund, administration, uses — appropriation — immediate availability of funds in the event of a disaster.
- 323.010. Definitions.
- 323.025. Missouri propane gas commission created, powers and duties, members, terms, meetings — executive director — secretary to keep records — surety bond for members — annual report.
- 323.050. Municipal ordinances in conflict with this chapter prohibited.
- 413.225. Fees — rates — due at time of registration, inspection or calibration, failure to pay fee, effect, penalty.
- 413.226. Weight and measure devices law not applicable to certain devices — applicability to certain devices.
- B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 142.803, 142.869, 305.230, 323.010, 323.025, 323.050, 413.225, and 413.226, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 142.803, 142.869, 305.230, 323.010, 323.025, 323.050, 413.225, and 413.226, to read as follows:

142.803. IMPOSITION OF TAX ON FUEL, AMOUNT — COLLECTION AND PRECOLLECTION OF TAX. — 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

- (1) Motor fuel, seventeen cents per gallon;
- (2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

(4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020 until

December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;

(5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020 until December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof.

In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;

(6) If a natural gas, compressed natural gas, or liquefied natural gas connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section shall apply to the entire amount of natural gas, compressed natural gas, or liquefied natural gas used unless an approved separate metering and accounting system is in place.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

142.869. ALTERNATIVE FUEL DECAL FEE IN LIEU OF TAX — DECAL — PENALTY. — 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, **provided that sales made to alternative fueled vehicles powered by compressed natural gas or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) and (5) of subsection 1 of section 142.803, respectively.** The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds.

Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel **other than compressed natural gas and liquefied natural gas**, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. **Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016 that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.**

4. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

[4.] 5. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

[5.] 6. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

[6.] 7. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal.

[7.] 8. No person shall cause to be put, or put, LP gas [or natural gas] into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it. Sales of fuel placed in the supply receptacle of a motor vehicle

displaying such decal shall be recorded upon an invoice, which invoice shall include the decal number, the motor vehicle license number and the number of gallons placed in such supply receptacle.

[8.] 9. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

[9.] 10. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.

305.230. AERONAUTICS PROGRAM, HIGHWAYS AND TRANSPORTATION COMMISSION TO ADMINISTER — PURPOSES — AVIATION TRUST FUND, ADMINISTRATION, USES — APPROPRIATION — IMMEDIATE AVAILABILITY OF FUNDS IN THE EVENT OF A DISASTER. —

1. The state highways and transportation commission shall administer an aeronautics program within this state. The commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to ninety percent state/ten percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

- (h) For the erection of fencing on or around the perimeter of an airport;
 - (i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;
 - (j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;
 - (k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans [and] , airport layout plans, **airport business plans, and strategic plans** at existing airports;
 - (l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;
 - (m) If at least [six] **four million five hundred thousand** dollars is deposited into the aviation trust fund in the previous calendar year, [up to two million dollars may be expended annually upon] **funds may be spent for** the study or promotion of expanded domestic or international scheduled commercial service, the study or promotion of intrastate scheduled commercial service, **the promotion of aviation in the state**, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service, **subject to the following provisions:**
 - a. No more than two million dollars may be spent from the aviation trust fund for the purposes provided in this paragraph in any calendar year; and**
 - b. The commission shall be required to expend at least four million dollars of the annual, calendar year deposits into the aviation trust fund for purposes other than the purposes described in this paragraph;**
- (2) As total funds, with no local match:
 - (a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;
 - (b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the commission;
 - (c) For the conducting of aviation safety workshops;
 - (d) For the promotion of aerospace education;
 - (3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the United States Department of Defense, except no more than one hundred sixty-seven thousand dollars per year may be used for any individual control tower;
 - (4) As total funds with a local match, up to five hundred thousand dollars per year may be used for air traffic control towers partially funded by the federal government under a cost-share program. Any expenditures under this program require a nonfederal match, comprised of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand dollars per year may be expended for any individual control tower.
5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the commission. For projects designated as emergencies by the commission, all requirements relating to normal procurement of engineering and construction services are waived.
6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010 or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport.

323.010. DEFINITIONS. — For the purposes of this chapter, the following words and phrases shall mean:

(1) "Affiliated industry", any person or firm engaged in the manufacturing, assembling, and marketing of appliances, containers, and products used in the propane industry, the interstate or intrastate transportation or storage of propane, the installation or design of propane piping systems, or other such affiliation with the commercial, residential, or agricultural use of propane by consumers in Missouri;

(2) "Autogas", propane used solely as the primary motor fuel for internal combustion engines for vehicles in highway use;

(3) "Commission", the Missouri propane [gas] safety commission;

[3] (4) "Compressed natural gas" (CNG), a mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form that has been compressed for use as a vehicular fuel;

[4] "Director", the executive director of the commission;]

(5) "Dispensing station", a system of compressors, safety devices, cylinders, piping, fittings, valves, regulators, gauges, relief devices, vents, installation fixtures and other compressed natural gas equipment intended for use in conjunction with motor vehicle fueling by compressed natural gas but does not include a natural gas pipeline located upstream of the inlet of the compressor;

(6) "Liquefied petroleum gas", any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes;

(7) "Motor vehicle", all vehicles except those operated on rails which are propelled by internal combustion engines and are used or designed for use in the transportation of a person or persons or property;

(8) "Person", any individual, group of individuals, partnership, association, cooperative, corporation, or any other entity;

(9) "Producer", the owner of the propane at the time it is recovered at a manufacturing facility, irrespective of the state where production occurs;

(10) "Propane", propane, butane, mixtures of propane and butane, and liquefied petroleum gas, as defined by the National Fire Protection Association Standard 58 for the storage and handling of liquefied petroleum gases;

(11) "Public member", a member of the commission who is a resident of Missouri, is a user of odorized propane, and is not related by the third degree of consanguinity to any retailer or wholesale distributor of propane;

(12) "Retail marketer", a business engaged primarily in selling propane gas, its appliances, and equipment to the ultimate consumer or to retail propane dispensers;

(13) "Wholesaler" or "reseller", a seller of propane who is not a producer and who does not sell propane to the ultimate consumer.

323.025. MISSOURI PROPANE GAS COMMISSION CREATED, POWERS AND DUTIES, MEMBERS, TERMS, MEETINGS —EXECUTIVE DIRECTOR —SECRETARY TO KEEP RECORDS —SURETY BOND FOR MEMBERS —ANNUAL REPORT. — 1. There is hereby created within the department of agriculture the "Missouri Propane [Gas] Safety Commission", which shall constitute a body corporate and politic, an independent instrumentality exercising essential public functions. The commission shall ensure the administration and enforcement of this chapter and all rules and regulations and orders promulgated thereunder. The powers of the commission shall be vested in nine commissioners, who shall be residents of this state, to be appointed by the governor, by and with the advice and consent of the senate. The commission shall consist of one member representing multistate retail marketers of propane, one member representing wholesalers or resellers of propane, one member from a county of the third classification representing retail marketers of propane, one member who is affiliated with the Mechanical Contractors Association in Missouri, one member affiliated with the Plumbing Industry Council, one member representing an affiliated industry, one member representing the department of agriculture, [one member representing the department of natural resources] **the Missouri state**

fire marshal or his or her designee, and one public member. The commissioners annually shall elect from among their number a [chairman] **chairperson** and a vice [chairman] **chairperson**, and such other officers as they may deem necessary.

2. The commissioners shall serve five-year terms, with each term beginning July first and ending on June thirtieth. However, of the commissioners first appointed, two shall be appointed for a term of two years, two shall be appointed for a term of three years, two shall be appointed for a term of four years, and three shall be appointed for a term of five years. Each commissioner appointed thereafter shall be appointed for a term ending five years from the date of expiration of the term for which his **or her** predecessor was appointed. A person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. No commissioner appointed by the governor under this section shall serve more than one full term. For those commissioners first appointed, if such commissioner serves a term less than five years, each shall be eligible to serve one full five-year term. Each commissioner shall hold office for the term of such appointment and until such successor has been appointed and qualified.

3. Other than the public member, commission members shall be full-time employees or owners of businesses in the industry or the agency they represent.

4. Notwithstanding the provisions of any other law to the contrary:

(1) No officer or employee of this state shall be deemed to have forfeited or shall forfeit such office or employment by reason of his acceptance of membership on the commission or such service to the commission;

(2) It shall not constitute a conflict of interest for [a director, officer, or] **an** employee of any company selling propane at retail or wholesale, or engaged in the manufacture, sale, installation, or distribution of propane-use equipment, the contracting of propane piping systems, or in the transportation, storage, or marketing of propane, or any other firm, person, or corporation, to serve as a member of the commission, provided such trustee, director, officer, or employee shall abstain from deliberation, action, and vote by the commission in each instance where the business affiliation or public office association of any such trustee, director, officer, or employee is involved.

5. Commissioners shall receive no compensation for the performance of their duties under this section, but each commissioner shall be reimbursed from the funds of the commission for his or her actual and necessary expenses incurred in carrying out his or her official duties.

6. Meetings shall be held at the call of the [chairman] **chairperson** or whenever two commissioners so request. Five commissioners of the commission shall constitute a quorum, and any action taken by the commission under the provisions of this chapter may be authorized by resolution approved by a majority, but not less than four of the commissioners present at any regular or special meeting. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

7. The commissioners shall employ an executive director. The executive director also shall serve as the secretary for the commission and shall administer, manage, and direct the affairs and business of the commission, subject to the policies, control, and direction of the commissioners. The commission may employ technical experts and such other officers, agents, and employees as deemed necessary, and may fix their qualifications, duties, and compensation.

8. The secretary shall keep a record of the proceedings of the commission and shall be custodian of all books, documents, and papers filed with the commission and of its minute book and seal. The secretary shall have the authority to cause to be made copies of all minutes and other records and documents of the commission and to give certificates, under the seal of the commission, to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates. Resolutions of the persons dealing with the commission need not be published or posted unless the commission shall so direct.

9. Before entering into his or her duties, each commissioner of the commission shall execute a surety bond for fifty thousand dollars, and the **executive** director shall execute a surety

bond for one hundred thousand dollars or, in lieu thereof, the [chairman] **chairperson** of the commission shall execute a blanket bond covering all members, the **executive** director, and the employees or other officers of the commission. Each surety bond shall be conditioned on the faithful performance of the duties of the office or offices covered, shall be executed by a surety company authorized to transact business in this state as surety, shall be approved by the attorney general, and shall be filed in the office of the secretary of state. The cost of each such bond shall be paid by the commission.

10. At the beginning of each fiscal year, the commission shall prepare and submit for public comment a budget plan, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment as may be necessary to cover such costs. Publication of the proposed budget in the Missouri Register for at least thirty days shall constitute appropriate public notice. The commission shall approve or modify the budget following the public comment period.

11. The commission shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the department of agriculture, the governor, and the general assembly. Each report shall set forth a complete operating and financial statement for the commission during the fiscal year it covers. At least once in each year, an independent certified public accountant shall audit the books and accounts of the commission.

12. The commission shall have the power necessary to:

- (1) Sue and be sued in its own name;
- (2) Have an official seal and alter the same at pleasure;
- (3) Have perpetual succession;
- (4) Maintain an office at such place or places within this state as the commission may designate;
- (5) Conduct hearings and mediate disputes arising from the enforcement of this chapter;
- (6) Disperse funds for its lawful activities and fix salaries and wages of its employees; and
- (7) Exercise all powers necessary or convenient to accomplish its purposes.

13. The commission shall have the following duties:

- (1) Develop comprehensive plans and programs for the prevention, control and abatement of propane-related accidents in Missouri;
- (2) Mandate a comprehensive certification training program based on the department of agriculture's existing liquified petroleum gas certification and training program;
- (3) Promulgate by rule by August 28, 2010, a statewide code for the installation of propane-related equipment;
- (4) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies, as well as with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter;
- (5) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions. Such funds shall not be expended for other than the purposes for which provided;
- (6) Exercise general supervision of the administration and enforcement of this chapter and all rules, regulations, and orders promulgated hereunder;
- (7) Suspend any registration filed under this chapter granted to persons or companies doing business under the requirements of this chapter, if such registrant is in violation of any provision of this chapter;
- (8) Represent the state of Missouri in all matters pertaining to this chapter, including negotiation of interstate compact agreements;
- (9) To do any act necessary or convenient to the exercise of the powers granted by or reasonably implied from the provisions of this chapter.

14. The director may make such investigations as the director deems necessary to carry out effectively the director's responsibilities under this chapter or to determine whether a person has engaged or is engaging in acts or practices that constitute a violation of any provision of this

chapter or of any regulation or plan issued under this chapter. For the purpose of any investigation, the [director] **administrator** is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in this state. In case of contumacy by or refusal to obey a subpoena issued to any person, the director may seek enforcement thereof in the circuit court of proper venue.

15. The Missouri propane [gas] **safety** commission is hereby authorized to regulate the inspection of and provide specifications for propane as provided in this section.

16. A commissioner shall be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and public hearing, unless such notice or hearing shall be expressly waived in writing.

17. The director or any designated employee shall have free access, during reasonable hours, to any premises in the state where an installation covered by this chapter is being constructed, or is being installed, for the purpose of ascertaining whether said installation is being constructed and installed in accordance with the applicable provisions.

323.050. MUNICIPAL ORDINANCES IN CONFLICT WITH THIS CHAPTER PROHIBITED. — No city, town, village, fire district, **county**, or other political subdivision shall adopt or enforce any ordinance or regulation in conflict with the provisions of this chapter, or with the regulations promulgated under section 323.020. Nothing in this section shall prohibit any political subdivision from establishing a licensing requirement for persons relating to the installation, repair, replacement, or maintenance of [liquified] **liquefied** petroleum gas and all other fuel gas piping systems.

413.225. FEES — RATES — DUE AT TIME OF REGISTRATION, INSPECTION OR CALIBRATION, FAILURE TO PAY FEE, EFFECT, PENALTY. — 1. There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into the agriculture protection fund as set forth in section 261.200:

(1) From August 28, 2013, until the next January first, laboratory fees for metrology calibrations shall be at the rate of sixty dollars per hour for tolerance testing or precision calibration. Time periods over one hour shall be computed to the nearest one-quarter hour. On the first day of January, 2014, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate per hour as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year, but not to exceed one hundred twenty-five dollars;

(2) All device test fees charged shall include, but not be limited to, the following devices:

- (a) Small scales;
- (b) Vehicle scales;
- (c) Livestock scales;
- (d) Hopper scales;
- (e) Railroad scales;
- (f) Monorail scales;
- (g) In-motion scales including but not limited to vehicle, railroad and belt conveyor scales;
- (h) Taximeters;
- (i) Timing devices;
- (j) Fabric-measuring devices;
- (k) Wire- and cordage-measuring devices;

- (l) Milk for quantity determination; [and]
- (m) Vehicle tank meters;
- (n) Compressed natural gas meters;**
- (o) Liquefied natural gas meters;**
- (p) Electrical charging stations; and**
- (q) Hydrogen fuel meters;**

(3) Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs;

(4) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee for each location so registered and a fee for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee for each location so registered and an additional fee for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees or rate per hour for such weighing and measuring devices to derive revenue not more than the total cost of the operation.

3. On the first day of October, 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee structure, and estimated expenses for administering this section during the ensuing year. The proposed change to the laboratory fee structure shall not yield revenue greater than the total cost of administering this section during the ensuing year.

4. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the laboratory fee schedule on the departmental website. The website shall be updated within thirty days of a change in the laboratory fee schedule set forth in this section.

5. Retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

6. All device inspection fees shall be paid within thirty days of the issuance of the original invoice. Any fee not paid within ninety days after the date of the original invoice will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

7. No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person.

413.226. WEIGHT AND MEASURE DEVICES LAW NOT APPLICABLE TO CERTAIN DEVICES — APPLICABILITY TO CERTAIN DEVICES. — 1. The provisions of sections 413.005 to 413.229 shall not apply to:

(1) Any gas, water or electric meter used or intended to be used for measuring or ascertaining the quantity of gas or electric current used for light, heat or power, or the quantity of water, furnished by any person or corporation to or for the use of any person, **unless such meter is used for charging electric vehicles at a retail location;**

(2) Any measuring device used by any person, firm, or corporation selling at retail or wholesale gasoline, diesel fuel, heating oil, kerosene, or jet fuel subject to inspection in accordance with chapter 414;

(3) Any liquid meter used for the measurement and retail sale of liquefied petroleum gas or **any meter used for compressed natural gas** subject to inspection in accordance with chapter 323, **unless such meter dispenses fuel for vehicle use.**

2. The provisions of sections 413.005 to 413.229 shall apply to the following commercial weighing and measuring equipment used for measuring and ascertaining the quantity of gas, electricity, or fuel for vehicle use:

- (1) Compressed natural gas meters;
- (2) Liquefied natural gas meters;
- (3) Electrical charging stations; and
- (4) Hydrogen fuel meters.

SECTION B. DELAYED EFFECTIVE DATE. — Section A of this act shall become effective January 1, 2016.

Approved July 7, 2014

HB 2163 [HB 2163]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding vehicle height and weight limits for a motor vehicle operating in the commercial zone in the City of Columbia

AN ACT to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to city commercial zones.

SECTION

A. Enacting clause.
304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.

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

SECTION A. ENACTING CLAUSE. — Section 304.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.190, to read as follows:

304.190. HEIGHT AND WEIGHT REGULATIONS (CITIES OF 75,000 OR MORE) — COMMERCIAL ZONE DEFINED. — 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however:

(1) The commercial zone surrounding a city not within a county shall extend twenty-five miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any county with a charter form of government which adjoins that city and throughout any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;

(2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the western-most freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants;

(4) The commercial zone of a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants shall extend north from the city limits along U.S. Highway 63 for eight miles, and shall extend east from the city limits along State Route WW to the intersection of State Route J and continue south on State Route J for four miles.

4. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway

system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated.

6. No motor vehicle engaged in interstate commerce, whether unladen or with load, whose operations in the state of Missouri are limited exclusively to the commercial zone of a first class home rule municipality located in a county with a population between eighty thousand and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height.

Approved June 23, 2014

HB 2238 [SCS HCS HB 2238]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows the Department of Agriculture to grow industrial hemp for research purposes and allows the use of hemp extract to treat certain individuals with epilepsy

AN ACT to amend chapters 192, 195, and 261, RSMo, by adding thereto three new sections relating to hemp, with an emergency clause and penalty provisions.

SECTION

- A. Enacting clause.
 192.945. Registration cards issued, requirements — definitions — recordkeeping — rulemaking.
 195.207. Hemp extract, use of, permitted when — administration to a minor permitted, when — amount authorized.
 261.265. License issuance, to whom — grower may produce, manufacture, and distribute, when — recordkeeping — inspections — rulemaking — civil penalty.
 B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Chapters 192, 195, and 261, RSMo, are amended by adding thereto three new sections, to be known as sections 192.945, 195.207, and 261.265, to read as follows:

192.945. REGISTRATION CARDS ISSUED, REQUIREMENTS — DEFINITIONS — RECORDKEEPING — RULEMAKING. — 1. As used in this section, the following terms shall mean:

- (1) "Department", the department of health and senior services;
 - (2) "Hemp extract", as such term is defined in section 195.207;
 - (3) "Hemp extract registration card", a card issued by the department under this section;
 - (4) "Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;
 - (5) "Neurologist", a physician who is licensed under chapter 334 and board certified in neurology;
-

(6) "Parent", a parent or legal guardian of a minor who is responsible for the minor's medical care;

(7) "Registrant", an individual to whom the department issues a hemp extract registration card under this section.

2. The department shall issue a hemp extract registration card to an individual who:

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist that:

(a) Indicates that the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract; and

(b) Is consistent with a record from the neurologist concerning the individual contained in the database described in subsection 9 of this section;

(4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and

(5) Submits an application to the department on a form created by the department that contains:

(a) The individual's name and address;

(b) A copy of the individual's valid photo identification; and

(c) Any other information the department considers necessary to implement the provisions of this section.

3. The department shall issue a hemp extract registration card to a parent who:

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist that:

(a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may benefit from treatment with hemp extract; and

(b) Is consistent with a record from the neurologist concerning the minor contained in the database described in subsection 9 of this section;

(4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and

(5) Submits an application to the department on a form created by the department that contains:

(a) The parent's name and address;

(b) The minor's name;

(c) A copy of the parent's valid photo identification; and

(d) Any other information the department considers necessary to implement the provisions of this section.

4. The department shall maintain a record of the name of each registrant and the name of each minor receiving care from a registrant.

5. The department shall promulgate rules to:

(1) Implement the provisions of this section including establishing the information the applicant is required to provide to the department and establishing in accordance with recommendations from the department of public safety the form and content of the hemp extract registration card; and

(2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a registrant, which shall be in addition to any other state or federal regulations; and

The department may promulgate rules to authorize clinical trials involving hemp extract.

6. The department shall establish fees that are no greater than the amount necessary to cover the cost the department incurs to implement the provisions of this section.

7. The registration cards issued under this section shall be valid for one year and renewable if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this section.

8. The neurologist who signs the statement described in subsection 2 or 3 of this section shall:

(1) Keep a record of the neurologist's evaluation and observation of a patient who is a registrant or minor under a registrant's care including the patient's response to hemp extract; and

(2) Transmit the record described in subdivision (1) of this subsection to the department.

9. The department shall maintain a database of the records described in subsection 8 of this section and treat the records as identifiable health data.

10. The department may share the records described in subsection 9 of this section with a higher education institution for the purpose of studying hemp extract.

11. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

195.207. HEMP EXTRACT, USE OF, PERMITTED WHEN — ADMINISTRATION TO A MINOR PERMITTED, WHEN — AMOUNT AUTHORIZED. — 1. As used in sections 192.945, 261.265, 261.267, and this section, the term "hemp extract" shall mean an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

(1) Is composed of no more than three tenths percent tetrahydrocannabinol by weight;

(2) Is composed of at least five percent cannabidiol by weight; and

(3) Contains no other psychoactive substance.

2. Notwithstanding any other provision of this chapter, an individual who has been issued a valid hemp extract registration card under section 192.945, or is a minor under a registrant's care, and possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

(1) Possesses or uses the hemp extract only to treat intractable epilepsy as defined in section 192.945;

(2) Originally obtained the hemp extract from a sealed container with a label indicating the hemp extract's place of origin and a number that corresponds with a certificate of analysis;

(3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:

(a) Has a number that corresponds with the number on the label described in subdivision (2) of this subsection;

(b) Indicates the hemp extract's ingredients including its percentages of tetrahydrocannabinol and cannabidiol by weight;

(c) Is created by a laboratory that is not affiliated with the producer of the hemp extract and is licensed in the state where the hemp extract was produced; and

(d) Is transmitted by the laboratory to the department of health and senior services; and

(4) Has a current hemp extract registration card issued by the department of health and senior services under section 192.945.

3. Notwithstanding any other provision of this chapter, an individual who possesses hemp extract lawfully under subsection 2 of this section and administers hemp extract to a minor suffering from intractable epilepsy is not subject to the penalties described in this chapter for administering the hemp extract to the minor if:

(1) The individual is the minor's parent or legal guardian; and
 (2) The individual is registered with the department of health and senior services as the minor's parent under section 192.945.

4. An individual who has been issued a valid hemp extract registration card under section 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract pursuant to this section. Subject to any rules or regulations promulgated by the department of health and senior services, an individual may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with such medical condition.

261.265. LICENSE ISSUANCE, TO WHOM — GROWER MAY PRODUCE, MANUFACTURE, AND DISTRIBUTE, WHEN — RECORDKEEPING — INSPECTIONS — RULEMAKING — CIVIL PENALTY. — 1. For purposes of this section, the following terms shall mean:

(1) "Cannabidiol oil care center", the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed hemp extract to persons possessing a hemp extract registration card issued under section 192.945;

(2) "Cultivation and production facility", the land and premises specified in an application for a cultivation and production facility license on which the licensee is authorized to grow, cultivate, process, and possess hemp and hemp extract;

(3) "Cultivation and production facility license", a license that authorizes the licensee to grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its cannabidiol oil care centers;

(4) "Department", the department of agriculture;

(5) "Grower", a nonprofit entity issued a cultivation and production facility license by the department of agriculture that produces hemp extract for the treatment of intractable epilepsy;

(6) "Hemp":

(a) All non-seed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

a. Three-tenths of one percent on a dry weight basis; or

b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq.;

(b) Any cannabis sativa seed that is:

a. Part of a growing crop;

b. Retained by a grower for future planting; or

c. For processing into or use as agricultural hemp seed. This term shall not include industrial hemp commodities or products.

(7) "Hemp monitoring system", an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract.

2. The department shall issue a cultivation and production facility license to a nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207 or hemp on the entity's property if the entity has submitted to the department an application as required by the department under subsection 7 of this section, the entity meets all requirements of this section and the department's rules, and there are fewer than two licensed cultivation and production facilities operating in the state.

3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy as defined in section 192.945 consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of such product. The department shall not issue more than two cultivation and production facility licenses for the operation of such facilities at any one time.

4. The department shall maintain a list of growers.

5. All growers shall keep records in accordance with rules adopted by the department. Upon at least three days notice, the director of the department may audit the required records during normal business hours. The director may conduct an audit for the purpose of ensuring compliance with this section.

6. In addition to an audit conducted in accordance with subsection 5 of this section, the director may inspect independently, or in cooperation with the state highway patrol or a local law enforcement agency, any hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) Three-tenths of one percent on a dry weight basis; or

(2) The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq.,

the director may detain, seize, or embargo the crop.

7. The department shall promulgate rules including, but not limited to:

(1) Application requirements for licensing, including requirements for the submission of fingerprints and the completion of a criminal background check;

(2) Security requirements for cultivation and production facility premises, including, at a minimum, lighting, physical security, video and alarm requirements;

(3) Rules relating to hemp monitoring systems as defined in this section;

(4) Other procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications of the premises;

(5) Requirements that any hemp extract received from a legal source be submitted to a testing facility designated by the department to ensure that such hemp extract complies with the provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides. Any hemp extract that is not submitted for testing or which after testing is found not to comply with the provisions of section 195.207 shall not be distributed or used and shall be submitted to the department for destruction; and

(6) Rules regarding the manufacture, storage, and transportation of hemp and hemp extract, which shall be in addition to any other state or federal regulations.

8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section.

9. All hemp waste from the production of hemp extract shall either be destroyed, recycled by the licensee at the hemp cultivation and production facility, or donated to the department or an institution of higher education for research purposes, and shall not be used for commercial purposes.

10. In addition to any other liability or penalty provided by law, the director may revoke or refuse to issue or renew a cultivation and production facility license and may

impose a civil penalty on a grower for any violation of this section, or section 192.945 or 195.207. The director may not impose a civil penalty under this section that exceeds two thousand five hundred dollars.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to provide individuals suffering from epilepsy with access to medical treatment, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved July 14, 2014

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SB 491 [HCS SS SCS SB 491]

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

Modifies provisions relating to criminal law

AN ACT to repeal sections 32.057, 105.478, 115.631, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 210.1012, 217.010, 211.038, 214.410, 217.360, 217.364, 217.385, 217.400, 217.405, 217.541, 217.542, 217.543, 217.692, 217.703, 217.735, 217.785, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.570, 301.640, 302.015, 302.020, 302.309, 302.321, 302.500, 302.540, 302.541, 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.021, 565.023, 565.024, 565.025, 565.035, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060,

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SECTION

- A. Enacting clause.
- 27.105. Attorney general's duty to enforce provisions of Chapter 572.
- 32.057. Confidentiality of tax returns and department records — exceptions — penalty for violation.
- 43.544. Intoxication — related traffic offenses, policies required for forwarding to MULES.
- 105.478. Penalty.
- 115.631. Class one election offenses.
- 130.028. Prohibitions against certain discrimination or intimidation relating to elections — contributions by employees, payroll deduction, when.
- 130.028. Prohibitions against certain discrimination or intimidation relating to elections — contributions by employees, payroll deduction, when.
- 142.909. Penalties for failure to comply with chapter — misdemeanor or class E felony.
- 142.911. Shipping documents, contents — manually prepared shipping papers — exemption — split loads — posted notice — penalties.
- 143.1001. Taxpayers, individuals or corporations may designate tax refund as contribution to veterans' trust fund — amount — procedure — director of revenue's duties — collection costs allowed — list of contributors — confidentiality, violation, penalty — exception.
- 143.1003. Tax refund may be credited to National Guard trust fund — director's duties — penalty for release of information.
- 149.200. Illegal activities related to cigarettes and cigarette labeling — penalty.
- 160.261. Discipline, written policy established by local boards of education — contents — reporting requirements — additional restrictions for certain suspensions — weapons offense, mandatory suspension or expulsion — no civil liability for authorized personnel — spanking not child abuse, when — investigation procedure — officials falsifying reports, penalty.
- 167.115. Juvenile officer or other law enforcement authority to report to superintendent, when, how — superintendent to report certain acts, to whom — notice of suspension or expulsion to court — superintendent to consult.
- 167.171. Summary suspension of pupil — appeal — grounds for suspension — procedure — conference required, when — statewide suspension, when.
- 168.071. Revocation, suspension or refusal of certificate or license, grounds — procedure — appeal.
- 188.030. Abortion of viable unborn child prohibited, exceptions — physician duties — violations, penalty — severability — right of intervention, when.
- 190.621. Penalty for concealing or falsifying an order.
- 191.905. False statement to receive health care payment prohibited — kickback, bribe, purpose, prohibited, exceptions — abuse prohibited — penalty — prosecution, procedure — Medicaid fraud reimbursement fund created — restitution — civil penalty — notification to disciplinary agencies — civil action authorized.
- 191.914. False report or claim, penalty.
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- 194.410. Human burial sites — knowingly disturb, penalty — appropriation for sale, penalty.
- 194.425. Abandonment of a corpse without notifying authorities, penalty.
- 195.005. Comprehensive drug control act.
- 195.010. Definitions.
- 195.015. Authority to control.
- 195.016. Nomenclature.

- 195.017. Substances, how placed in schedules — list of scheduled substances — publication of schedules annually — electronic log of transactions to be maintained, when — certain products to be located behind pharmacy counter — exemption from requirements, when — rulemaking authority.
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577.703. Bus hijacking, definition, penalty — assault with intent to commit bus hijacking, penalty, with a deadly weapon, penalty — possession and concealment of deadly weapon by passenger, penalty, exception.
577.706. Planting a bomb or explosive in or near a bus or terminal — penalties.
577.709. Vulgar or profane language — passenger under influence of alcohol or drugs, penalties, exceptions — driver may remove passenger from bus, when.
577.712. Refusal of admission to terminal — requests for identification or to leave terminal authorized, failure to comply, penalty.
577.715. Detention in terminal by security guard authorized — no criminal or civil liability, exception.
577.718. Removal of baggage or cargo without owner's permission — penalty.
578.009. Animal neglect — penalties.
578.012. Animal abuse — penalties.
578.018. Warrant for entry on private property to inspect — impoundment of animals, disposition.
578.021. Neglected or abused animal not to be returned to owner or custodian, when.
578.023. Keeping a dangerous wild animal — penalty.
578.024. Keeping a dangerous dog — penalties.
578.025. Dogfighting — penalty.
578.026. Spectating dog fighting — penalty.
578.027. Causing a dog to pursue a live animal propelled by a device — penalty.
578.028. Unlawful removal of an electronic dog collar or radio transmitting device — penalty — restitution.
578.029. Knowingly releasing an animal — penalty.
578.030. State highway patrol and other law enforcement officers, powers and duties to enforce animal protection.
578.050. Bullbaiting and cockfighting — penalty.

- 578.095. Desecration of flags — penalty.
578.151. Interference with lawful hunting, fishing or trapping in the first degree — penalty.
578.152. Interference with lawful hunting, fishing or trapping in the second degree — penalty.
578.153. Peace officer's and conservation agent's powers to enforce — failure to obey peace officer or conservation agent, penalty.
578.173. Baiting or fighting animals — penalty.
578.176. Bear wrestling — penalty.
578.350. Medical deception — penalty — immunity, when.
578.365. Hazing — consent not a defense — penalties.
578.398. Sports bribery, first degree, penalty.
578.399. Sports bribery, second degree, penalty.
578.405. Prohibited acts against animal research and production facilities — definitions — penalties.
578.407. Prohibited actions against animals, facilities, equipment and records.
578.421. Definitions.
578.425. Felony or misdemeanors committed to promote or assist criminal conduct by gang members, punishment in addition to regular sentences.
578.430. Buildings, rooms and structures used for criminal street gangs' activities deemed public nuisances — owner knowing of gang use, court may order no occupancy up to one year — penalty.
578.437. Weapon not to be declared a nuisance unless notice given to lawful owner, procedure — burden of proof on state that return of weapon would endanger lives.
578.475. International marriage brokers, notice to recruits — criminal history record and marital history record to be disseminated — client requirements — violations, penalty.
578.520. Unlawful fishing, hunting, or trapping on private land — affirmative defense — penalty.
578.525. Unlawful retrieval of large or small game — affirmative defense — penalty.
578.614. Violations, penalty — exceptions.
579.015. Possession or control of a controlled substance — penalty.
579.020. Delivery of a controlled substance — penalties.
579.030. Distribution of controlled substance in a protected location — penalty.
579.040. Unlawful distribution, delivery, or sale of drug paraphernalia — penalties.
579.045. Fraudulently attempting to obtain a controlled substance — penalty.
579.050. Manufacture of an imitation controlled substance — penalty.
579.055. Manufacture of a controlled substance — penalties.
579.060. Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty.
579.065. Trafficking drugs, first degree — penalty.
579.068. Trafficking drugs, second degree — penalty.
579.070. Creating a danger — penalty.
579.072. Furnishing materials for production of a controlled substance — penalty.
579.074. Unlawful possession of drug paraphernalia — penalty.
579.076. Unlawful manufacture of drug paraphernalia — penalties.
579.078. Possession of an imitation controlled substance — penalty.
579.080. Delivery of an imitation controlled substance — penalty.
579.082. Marketing of ephedrine or pseudoephedrine — penalty.
579.084. Distribution of controlled substance in violation of registration requirements — penalty.
579.086. Unlawful delivery of a controlled substance by manufacturer or distributor — penalty.
579.090. Tampering with a prescription or a drug prescription order — penalty.
579.095. Possession of anhydrous ammonia — penalty.
579.097. Inhalation or inducing others to inhale solvent fumes to cause certain reactions, prohibited — exceptions.
579.099. Inducing, or possession with intent to induce, symptoms by use of certain solvents and other substances, prohibited.
579.101. Possession or purchase of solvents to aid others in violations, prohibited — penalty.
579.103. Selling or transferring solvents to cause certain symptoms, penalty — certain businesses prohibited from selling, penalty.
579.105. Keeping or maintaining a public nuisance — violation, penalty.
579.107. Lawful possession, when — burden of proof of any exception or exemption upon defendant.
579.110. Possession of methamphetamine precursors — penalty.
579.115. Copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when — suspicious transaction defined — penalty.
579.150. Distribution of prescription medication on school property — exceptions — penalty.
579.155. Possession of prescription medication on school property — exceptions — penalty.
579.170. Prior and persistent drug offenders, definitions, sentencing.
579.175. Arrest without warrant, when.
579.180. Burden of proof of any exception or exemption upon defendant.
579.185. Authorized state, county or municipal officers, good faith immunity from criminal liability.
589.015. Definitions.

- 589.400. Registration of certain offenders with chief law officers of county of residence — time limitation — cities may request copy of registration — fees — automatic removal from registry — petitions for removal — procedure, notice, denial of petition — higher education students and workers — persons removed.
- 589.425. Failure to register, penalty — subsequent violations, penalty.
- 590.700. Definitions — recording required for certain crimes — may be recorded, when — written policy required — violation, penalty.
- 595.223. Polygraph tests and psychological stress evaluator exams not permitted, when.
- 595.226. Identifiable information in court records to be redacted, when — access to information permitted, when — disclosure of identifying information regarding defendant, when.
- 595.229. Plea bargain, sentencing, victim's right to appear or make statement — notice to victim.
- 595.232. Identity theft — rights of victims — definition — incident reports, discretion of law enforcement not affected.
- 610.125. Failure to comply with expungement order, penalty — knowingly using expunged record for gain, penalty.
- 610.130. Alcohol-related driving offenses, expunged from records, when — procedures, effect — limitations
- 630.155. Mistreatment of patient — defined — penalty.
- 630.161. Investigation of reports of vulnerable person abuse, when.
- 630.162. Mandatory reporters — preventing or discouraging reporting, penalty.
- 630.164. Immunity from liability, when.
- 630.165. Suspected abuse of patient, report, by whom made, contents — effect of failure to report — penalty.
- 632.480. Definitions.
- 650.150. Citation of law.
- 650.153. Definitions.
- 650.156. Formation of group — power of arrest — cooperation.
- 650.159. Interstate MEG agreements, powers and immunities of officers — effective, when.
- 650.161. Eligibility for state grants — department of public safety to monitor units.
- 650.165. Report required, when.
- 660.360. Welfare fraud telephone hot line, attorney general, duties.
- 701.320. Violations, penalty.
- 130.031. Restrictions and limitations on contributions — records required — anonymous contributions, how handled — campaign materials, sponsor to be identified — prizes prohibited.
- 195.025. Certain use of vessels, vehicles and aircraft prohibited.
- 195.110. User of controlled substance to keep it in container in which obtained.
- 195.135. Search warrants, how obtained — seizure in connection with arrest.
- 195.213. Unlawful purchase or transport with a minor, penalty.
- 195.214. Distribution of a controlled substance near schools, penalty.
- 195.217. Crime of distribution of a controlled substance near a park, penalty.
- 195.219. Unlawful endangerment of property, penalty.
- 195.246. Possession of ephedrine, penalty — possession is prima facie evidence of intent to violate section.
- 195.256. Trademark or trade name, unlawful use of, penalty.
- 195.285. Prior and persistent offenders — possession, imprisonment for.
- 195.291. Prior and persistent offenders imprisonment for distribution, delivery, manufacture or production.
- 195.292. Prior drug offenders — unlawful distribution to a minor or unlawful purchase or transport with a minor — imprisonment for.
- 195.295. Prior and persistent offenders — trafficking drugs, second degree, imprisonment for.
- 195.296. Prior offenders — trafficking drugs, first degree, imprisonment for.
- 195.369. Burden of proof of registration upon defendant.
- 217.360. Delivery or concealment of controlled substances, liquor or prohibited articles on premises of any correctional center or city, county or private jail, penalties — expungement of records for certain violations, procedure.
- 306.112. Operating vessel with excessive blood alcohol content — penalty.
- 306.114. Grant of suspended imposition of sentence, requirements — validity of chemical tests — restrictions upon withdrawal of blood, procedure, no civil liability.
- 306.116. Operation of vessel deemed consent to chemical tests, when — limitation — procedure — information available.
- 306.117. Admissibility of results of chemical tests — presumption of intoxication.
- 306.118. Aggravated, chronic, persistent, and prior offenders — enhanced penalties — procedures.
- 306.119. Notification of right of refusal — refusal, effect, admissibility.
- 306.141. Leaving scene of vessel accident, penalty.
- 556.016. Classes of crimes.
- 556.022. Signal of law enforcement officer, duty of drivers and riders to obey — violations, penalty.
- 556.051. Burden of injecting the issue.
- 556.056. Affirmative defense.
- 556.063. Definitions.
- 557.046. Prosecuting attorney, law enforcement agency, right to attend sentencing, notice.
- 560.016. Fines for misdemeanors and infractions.

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- 560.021. Fines for corporations.
 - 565.075. Assault while on school property, penalty.
 - 565.081. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, utility worker, cable worker, or probation and parole officer in the first degree, definition, penalty.
 - 565.082. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, utility worker, cable worker, or probation and parole officer in the second degree, definition, penalty.
 - 565.083. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, utility worker, cable worker, or probation and parole officer in the third degree, definition, penalty.
 - 565.092. Aggravated harassment of an employee — penalty.
 - 565.149. Definitions.
 - 565.165. Assisting in child abduction or parental kidnapping — penalty.
 - 565.169. Restitution, expenses of custodial parent granted, when.
 - 565.180. Elder abuse in the first degree — penalty.
 - 565.182. Elder abuse in the second degree — penalty.
 - 565.210. Vulnerable person abuse in the first degree, penalty.
 - 565.212. Vulnerable person abuse in the second degree, penalty.
 - 565.214. Vulnerable person abuse in the third degree, penalty.
 - 565.250. Definitions.
 - 565.253. Crime of invasion of privacy, second degree, penalties.
 - 566.140. Treatment and rehabilitation program for perpetrators of sexual offenses, when — assessment or counseling services, provision of, restrictions.
 - 566.141. All probation or parole to be conditioned on receiving appropriate treatment.
 - 567.040. Prostitution and patronizing prostitution — sex of parties no defense, when.
 - 568.100. Factors to consider in establishing age of child participating in sexual performances — testimony may be videotaped, when.
 - 568.120. Treatment program for first offenders, cost — second offense, no suspension of sentence or probation.
 - 569.025. Pharmacy robbery in the first degree, definitions, penalty.
 - 569.035. Pharmacy robbery in the second degree, definitions, penalty.
 - 569.067. Fire, negligence in setting or allowing to escape on cropland, grassland, marsh, prairie, woodland.
 - 569.094. Computer printouts used as evidence, when.
 - 570.033. Stealing animals, penalty.
 - 570.040. Stealing, third offense.
 - 570.050. Aggregation of amounts involved in stealing.
 - 570.055. Wire, device, or pipe associated with conducting electricity or transporting combustible fuel — possession of prohibited, when — penalty.
 - 570.080. Receiving stolen property.
 - 570.155. Sports bribery — penalty.
 - 570.160. False advertising.
 - 570.170. Bait advertising.
 - 570.190. Telephone service fraud.
 - 570.200. Definitions.
 - 570.215. Detention of suspect to investigate, not unlawful, when.
 - 570.226. Unauthorized recording for profit prohibited.
 - 570.230. Sale or offer to sell unauthorized recordings prohibited.
 - 570.235. Definitions.
 - 570.240. Labeling required.
 - 570.241. Sale of item produced in violation of law prohibited.
 - 570.245. Exemptions from law.
 - 570.255. Violations, how punished — forfeiture and destruction of items — penalties not exclusive.
 - 573.013. Criminal investigations, site of criminal conduct undetermined, attorney general may subpoena witness and documents.
 - 573.500. Definitions.
 - 573.528. Definitions.
 - 574.030. Peace disturbance definitions.
 - 575.021. Obstruction of an ethics investigation, defenses, penalty.
 - 575.350. Killing or disabling a police animal — penalty.
 - 577.026. Chemical tests, results, valid, when — department of health and senior services to approve methods and devices and establish standards.
 - 577.065. All-terrain vehicle, accident involving — required information, report of law enforcement officer, when — exceptions — penalty.
 - 577.071. Solid waste, illegal disposal of, duty of prosecuting attorney.
 - 577.090. Powers of law enforcement officers — limited powers of conservation agents.
 - 577.105. Telephone calls on party lines during emergencies — priority — penalty.
 - 577.110. Person operating vehicle while under sixteen years of age — penalty.
 - 577.160. Swimming pools, use of life jackets, definitions.
 - 577.201. Definitions.
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- 577.206. Flight crew members, implied consent to chemical tests — implied consent limited to two tests for same incident.
- 577.208. Valid test requirements — test results to be furnished to person tested on request — no liability for person administering test, exceptions.
- 577.211. Dead or unconscious persons, chemical test may be administered
- 577.214. Chemical tests admissible as evidence.
- 578.200. Citation of law.
- 578.205. Definitions.
- 578.220. Exceptions, certain mining operations.
- 578.225. Violations, penalty.
- 578.353. Immunity from civil liability, when.
- 578.360. Definitions.
- 578.363. Colleges and universities to have written policy prohibiting hazing.
- 578.375. Definitions.
- 578.389. Enhanced penalty for multiple convictions.
- 578.392. Detection of fraud, department to study methods, report.
- 578.409. Penalties for violations.
- 578.412. Director, law enforcement officers, authority to investigate — rules, procedure.
- 578.414. The crop protection act — director defined.
- 578.418. Violations, penalties — civil actions, when.
- 578.420. Investigation of alleged violations — rulemaking authority.
- 578.433. Unlawful to maintain public nuisance — charges may be filed against owners and occupants — penalty, class C felony.
- 578.530. Affirmative defense.
- B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 32.057, 105.478, 115.631, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 210.1012, 211.038, 214.410, 217.010, 217.360, 217.364, 217.385, 217.400, 217.405, 217.541, 217.542, 217.543, 217.692, 217.703, 217.735, 217.785, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.570, 301.640, 302.015, 302.020, 302.309, 302.321, 302.500, 302.540, 302.541, 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076,

562.086, 563.021, 563.026, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.021, 565.023, 565.024, 565.025, 565.035, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.035, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.075, 578.095, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.392, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.015, 589.400, 589.425, 590.700, 610.125, 630.155, 630.165, 632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, section 130.028 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute

no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, section 577.041 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 577.041 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular session, are repealed and six hundred eighty-five new sections enacted in lieu thereof, to be known as sections 27.105, 32.057, 43.544, 105.478, 115.631, 130.028, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.140, 195.150, 195.190, 195.195, 195.198, 195.375, 195.417, 195.418, 196.979, 197.266, 197.326, 197.1000, 197.1002, 197.1004, 197.1006, 197.1008, 197.1010, 197.1012, 197.1014, 197.1016, 197.1018, 197.1020, 197.1022, 197.1024, 197.1026, 197.1028, 197.1030, 197.1032, 197.1034, 197.1036, 197.1038, 197.1040, 197.1042, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 210.1012, 211.038, 214.410, 217.010, 217.364, 217.385, 217.400, 217.405, 217.541, 217.542, 217.543, 217.692, 217.703, 217.735, 217.785, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.570, 301.640, 302.015, 302.020, 302.060, 302.304, 302.309, 302.321, 302.400, 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442, 302.454, 302.456, 302.458, 302.460, 302.462, 302.500, 302.540, 302.541, 302.574, 302.580, 302.584, 302.592, 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 305.125, 305.126, 306.420, 311.315, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 351.493, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 476.055, 479.172, 513.660, 537.123, 537.127, 542.402, 542.425, 544.218, 544.472, 544.665, 545.940, 556.011, 556.021, 556.026, 556.036, 556.037, 556.038, 556.041, 556.046, 556.061, 556.101, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.051, 558.002, 558.004, 558.006, 558.008, 558.011, 558.016, 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 561.016, 561.021, 561.026, 562.011, 562.012, 562.014, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.046, 563.051, 563.056, 563.061, 563.070, 565.002, 565.004, 565.010, 565.021, 565.023, 565.024, 565.027, 565.029, 565.035, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.079, 565.090, 565.091,

565.110, 565.115, 565.120, 565.130, 565.140, 565.150, 565.153, 565.156, 565.160, 565.163, 565.184, 565.188, 565.189, 565.218, 565.222, 565.225, 565.227, 565.240, 565.252, 565.300, 566.010, 566.020, 566.023, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111, 566.115, 566.116, 566.125, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 566.218, 567.010, 567.020, 567.030, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.060, 568.065, 568.070, 568.175, 569.010, 569.040, 569.050, 569.053, 569.055, 569.060, 569.065, 569.075, 569.080, 569.090, 569.095, 569.097, 569.099, 569.100, 569.120, 569.132, 569.135, 569.137, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.023, 570.025, 570.030, 570.039, 570.053, 570.057, 570.070, 570.085, 570.090, 570.100, 570.103, 570.110, 570.120, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.180, 570.210, 570.217, 570.219, 570.220, 570.223, 570.224, 570.225, 570.300, 570.302, 570.310, 570.350, 570.375, 570.380, 570.400, 570.402, 570.404, 570.406, 570.408, 570.410, 572.010, 572.015, 572.020, 572.030, 572.035, 572.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.200, 573.205, 573.215, 573.509, 573.531, 574.005, 574.010, 574.020, 574.035, 574.040, 574.050, 574.060, 574.070, 574.075, 574.080, 574.085, 574.105, 574.115, 574.120, 574.125, 574.130, 574.140, 575.020, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.095, 575.100, 575.110, 575.120, 575.130, 575.133, 575.145, 575.150, 575.153, 575.155, 575.157, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.010, 577.012, 577.013, 577.014, 577.015, 577.016, 577.017, 577.020, 577.021, 577.023, 577.024, 577.025, 577.029, 577.031, 577.037, 577.041, 577.060, 577.068, 577.070, 577.073, 577.075, 577.076, 577.078, 577.080, 577.100, 577.150, 577.155, 577.161, 577.300, 577.599, 577.600, 577.605, 577.612, 577.675, 577.700, 577.703, 577.706, 577.709, 577.712, 577.715, 577.718, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.026, 578.027, 578.028, 578.029, 578.030, 578.050, 578.095, 578.151, 578.152, 578.153, 578.173, 578.176, 578.350, 578.365, 578.398, 578.399, 578.405, 578.421, 578.425, 578.430, 578.437, 578.475, 578.520, 578.525, 578.614, 579.015, 579.020, 579.030, 579.040, 579.045, 579.050, 579.055, 579.060, 579.065, 579.068, 579.070, 579.072, 579.074, 579.076, 579.078, 579.080, 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099, 579.101, 579.103, 579.105, 579.107, 579.110, 579.115, 579.150, 579.155, 579.170, 579.175, 579.180, 579.185, 589.015, 589.400, 589.425, 590.700, 595.223, 595.226, 595.229, 595.232, 610.125, 610.130, 630.155, 630.161, 630.162, 630.164, 630.165, 632.480, 650.150, 650.153, 650.156, 650.159, 650.161, 650.165, 660.360, and 701.320, to read as follows:

[572.110.]27.105. ATTORNEY GENERAL'S DUTY TO ENFORCE PROVISIONS OF CHAPTER 572. — [It shall be the duty of the circuit attorneys and prosecuting attorneys in their respective jurisdictions to enforce the provisions of this chapter, and] The attorney general shall have a concurrent duty to enforce the provisions of [this] chapter **572**.

32.057. CONFIDENTIALITY OF TAX RETURNS AND DEPARTMENT RECORDS — EXCEPTIONS — PENALTY FOR VIOLATION. — 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the

department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149 as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or federal prosecuting official, including, but not limited to, the state and federal attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148 by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

(8) The disclosure to the commissioner of administration pursuant to section 34.040 of a list of vendors and their affiliates who meet the conditions of section 144.635, but refuse to collect the use tax levied pursuant to chapter 144 on their sales delivered to this state;

(9) The disclosure to the public of any information, or facts shown thereby regarding the claiming of a state tax credit by a member of the Missouri general assembly or any statewide elected public official.

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class [D] E felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070 shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant

to chapter 143 or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri.

[577.005.] 43.544. INTOXICATION —RELATED TRAFFIC OFFENSES, POLICIES REQUIRED FOR FORWARDING TO MULES. — 1. Each law enforcement agency shall adopt a policy requiring arrest information for all intoxication-related traffic offenses be forwarded to the central repository as required by section 43.503 and shall certify adoption of such policy when applying for any grants administered by the department of public safety.

2. Each county prosecuting attorney and municipal prosecutor shall adopt a policy requiring charge information for all intoxication-related traffic offenses be forwarded to the central repository as required by section 43.503 and shall certify adoption of such policy when applying for any grants administered by the department of public safety.

3. Effective January 1, 2011, the highway patrol shall, based on the data submitted, maintain regular accountability reports of intoxication-related traffic offense arrests, charges, and dispositions.

105.478. PENALTY. — Any person guilty of knowingly violating any of the provisions of sections 105.450 to 105.498 shall be punished as follows:

- (1) For the first offense, such person is guilty of a class B misdemeanor;
- (2) For the second and subsequent offenses, such person is guilty of a class [D] E felony.

115.631. CLASS ONE ELECTION OFFENSES. — The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of sections 115.001 to 115.641 [and sections 51.450 and 51.460], including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class [C] D felony;

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;

(22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting;

(24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate;

(25) Engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatening an act of violence with the intent of denying a person's lawful right to vote or to participate in the election process; and

(26) Knowingly providing false information about election procedures for the purpose of preventing any person from going to the polls.

[130.028. PROHIBITIONS AGAINST CERTAIN DISCRIMINATION OR INTIMIDATION RELATING TO ELECTIONS — CONTRIBUTIONS BY EMPLOYEES, PAYROLL DEDUCTION, WHEN. — 1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

(2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any candidate at any election in this state; or

(3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any issue at any election in this state; or

(4) Make any member or employee as a condition of membership or employment, contribute to any candidate, political committee or separate political fund; or

(5) Discriminate or threaten to discriminate against any member or employee in this state for contributing or refusing to contribute to any candidate, political committee or separate political fund with respect to the privileges of membership or with respect to his employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand dollars and confinement for not more than six months, or both, provided, after January 1, 1979, the violation of this subsection shall be a class D felony.

2. No employer, corporation, political action committee, or labor organization shall receive or cause to be made contributions from its members or employees except on the advance voluntary permission of the members or employees. Violation of this section by the corporation, employer, political action committee or labor organization shall be a class A misdemeanor.

3. An employer shall, upon written request by ten or more employees, provide its employees with the option of contributing to a political action committee as defined in section 130.011 through payroll deduction, if the employer has a system of payroll deduction. No contribution to a political action committee from an employee through payroll deduction shall be made other than to a political action committee voluntarily chosen by the employee. Violation of this section shall be a class A misdemeanor.

4. Any person aggrieved by any act prohibited by this section shall, in addition to any other remedy provided by law, be entitled to maintain within one year from the date of the prohibited act, a civil action in the courts of this state, and if successful, he shall be awarded civil damages of not less than one hundred dollars and not more than one thousand dollars, together with his costs, including reasonable attorney's fees. Each violation shall be a separate cause of action.]

130.028. PROHIBITIONS AGAINST CERTAIN DISCRIMINATION OR INTIMIDATION RELATING TO ELECTIONS — CONTRIBUTIONS BY EMPLOYEES, PAYROLL DEDUCTION, WHEN. — 1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his **or her** membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his **or her** compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

(2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any candidate at any election in this state; or

(3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any issue at any election in this state; or

(4) Make any member or employee as a condition of membership or employment, contribute to any candidate, political committee or separate political fund; or

(5) Discriminate or threaten to discriminate against any member or employee in this state for contributing or refusing to contribute to any candidate, political committee or separate political fund with respect to the privileges of membership or with respect to his employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a [misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand dollars and confinement for not more than six months, or both, provided, after January 1, 1979, the violation of this subsection shall be a] class [D] E felony.

2. No employer, corporation, continuing committee, or labor organization shall receive or cause to be made contributions from its members or employees except on the advance voluntary permission of the members or employees. Violation of this section by the corporation, employer, continuing committee or labor organization shall be a class A misdemeanor.

3. An employer shall, upon written request by ten or more employees, provide its employees with the option of contributing to a continuing committee as defined in section 130.011 through payroll deduction, if the employer has a system of payroll deduction. No contribution to a continuing committee from an employee through payroll deduction shall be made other than to a continuing committee voluntarily chosen by the employee. Violation of this section shall be a class A misdemeanor.

4. Any person aggrieved by any act prohibited by this section shall, in addition to any other remedy provided by law, be entitled to maintain within one year from the date of the prohibited act, a civil action in the courts of this state, and if successful, he **or she** shall be awarded civil damages of not less than one hundred dollars and not more than one thousand dollars, together with his **or her** costs, including reasonable attorney's fees. Each violation shall be a separate cause of action.

142.909. PENALTIES FOR FAILURE TO COMPLY WITH CHAPTER — MISDEMEANOR OR CLASS E FELONY. — A person who violates any provision of this chapter, including, but not limited to the failure to obtain required licenses or permits, or fails to keep records as prescribed herein, or neglects, fails or refuses to allow the director, the director's authorized agents or the Missouri highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to pay the tax due is guilty of a misdemeanor and may be punished as prescribed by law. Any person who violates any of the provisions of this section with the purpose to defraud is guilty of a class [D] E felony.

142.911. SHIPPING DOCUMENTS, CONTENTS—MANUALLY PREPARED SHIPPING PAPERS — EXEMPTION — SPLIT LOADS — POSTED NOTICE — PENALTIES. — 1. Each person operating a refinery, terminal, or bulk plant in this state shall prepare and provide to the driver of every fuel transportation vehicle receiving motor fuel into the vehicle storage tank at the facility a shipping document setting out on its face:

(1) Identification by city and state of the terminal, refinery or bulk plant from which the motor fuel was removed;

(2) The date the motor fuel was removed;

(3) The amount of motor fuel removed, gross gallons and net gallons;

(4) The state of destination as represented to the terminal operator by the transporter, the shipper or the agent of the shipper;

(5) Any other information required by the director for the enforcement of this chapter; and

(6) The supplier, consignee and carrier of the motor fuel.

2. A terminal operator may manually prepare shipping papers if the terminal does not have the ability to prepare automated shipping papers or as a result of extraordinary unforeseen circumstances, including acts of God, which temporarily interfere with the ability of the terminal operator to issue automated machine-generated shipping papers. However, the terminal operator shall, prior to manually preparing the papers, provide, in the case of a terminal not having the ability to prepare automated shipping papers, written notice to the director, or in the case of extraordinary circumstances, telephonic notice to the director and obtain a service interruption authorization number which the employees of the terminal operator shall add to the manually prepared papers prior to removal of each affected transport load from the terminal. The service interruption authorization number shall be valid for use by the terminal operator for a period not to exceed twenty-four hours. If the interruption has not been corrected within the twenty-four-hour period, additional [notice(s)] **notice or notices** to the director shall be required and interruption authorization [number(s)] **number or numbers** may be issued upon explanation by the terminal operator satisfactory to the director. If the terminal operator acquires the ability to prepare automated machine-printed shipping papers, the terminal operator shall notify the director no later than ten days prior to the initial use of such capability.

3. An operator of a bulk plant in this state delivering motor fuel into a tank wagon for subsequent delivery to a consumer in this state shall be exempt from this section. An operator of a bulk plant in this state shall not be required to identify net gallons on the shipping documents as provided by this section.

4. A refinery or terminal operator may load motor fuel, a portion of which fuel is destined for sale or use in this state and a portion of which fuel is destined for sale or use in another state or states. However, such split loads removed shall be documented by the terminal operator by issuing shipping papers designating the state of destination for each portion of the fuel.

5. Each refinery or terminal operator shall post a conspicuous notice proximately located to the point of receipt of shipping papers by transport truck operators, which notice shall describe in clear and concise terms the duties of the transport operator and supplier under section 142.914, provided that the director may establish the language, type, style and format of the notice.

6. No terminal operator shall imprint, and no supplier shall knowingly permit a terminal operator to imprint on behalf of the supplier, any false statement on a shipping paper relating to motor fuel to be delivered to this state or to a state having substantially the same shipping paper requirements with respect to the supplier of the fuel, whether or not it was dyed for the intended destination.

7. Any terminal operator who shall knowingly imprint any false statement in violation of this section shall be jointly and severally liable for all the taxes levied by this chapter which are not collected by this state as a result of such action.

8. Any supplier who knowingly violates this section shall be jointly and severally liable with the terminal operator.

9. A person who knowingly violates or knowingly aids and abets another to violate this section with the intent to evade the tax levied by this chapter shall be guilty of a class [D] **E** felony.

10. The director may impose a civil penalty of one thousand dollars for the first occurrence against every terminal operator that fails to meet shipping paper issuance requirements under this chapter. Each subsequent occurrence described in this subsection is subject to a civil penalty of five thousand dollars.

143.1001. TAXPAYERS, INDIVIDUALS OR CORPORATIONS MAY DESIGNATE TAX REFUND AS CONTRIBUTION TO VETERANS' TRUST FUND — AMOUNT — PROCEDURE — DIRECTOR OF REVENUE'S DUTIES — COLLECTION COSTS ALLOWED — LIST OF CONTRIBUTORS — CONFIDENTIALITY, VIOLATION, PENALTY — EXCEPTION. — 1. In each tax year beginning on or after January 1, 1990, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that two dollars or any amount

in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the veterans' trust fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the veterans' trust fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the veterans' trust fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the veterans' trust fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the veterans' trust fund.

3. The director of revenue shall transfer at least monthly all contributions designated by corporations under this section, less an amount sufficient to cover the cost of collection and handling by the department of revenue, to the state treasurer for deposit to the veterans' trust fund.

4. A contribution designated under this section shall only be transferred and deposited in the veterans' trust fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Notwithstanding any other law to the contrary, the names and addresses of individuals or corporations who designate a contribution to this fund may be supplied to the veterans' commission, for the purpose of sending an acknowledgment and written appreciation to those individuals and corporations. Under no circumstances shall the names and addresses be used for any purpose other than that expressed in this subsection. Release or use of the names and addresses for any other purpose is a class [C] D felony.

143.1003. TAX REFUND MAY BE CREDITED TO NATIONAL GUARD TRUST FUND — DIRECTOR'S DUTIES — PENALTY FOR RELEASE OF INFORMATION. —

1. In each tax year beginning on or after January 1, 1999, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation pursuant to this section may designate that two dollars or any amount in excess of two dollars on a single return and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the Missouri national guard trust fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation pursuant to this section wishes to make a contribution to the Missouri national guard trust fund, such individual or corporation may, by separate check, draft or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the Missouri national guard trust fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the Missouri national guard trust fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals pursuant to this section to the state treasurer for deposit in the Missouri national guard trust fund.

3. A contribution designated pursuant to this section shall only be transferred and deposited in the Missouri national guard trust fund after all other claims against the refund from which such contribution is to be made have been satisfied.

4. Notwithstanding any other law to the contrary, the names and addresses of individuals or corporations who designate a contribution to this fund may be supplied to the office of the adjutant general, for the purpose of sending an acknowledgment and written appreciation to those individuals and corporations. Under no circumstances shall the names and addresses be used for any purpose other than that expressed in this subsection. [Any person who releases or uses any] **Release or use** of the names and addresses for any other purpose is [guilty of] a class [C] D felony.

5. Moneys to be credited to the Missouri national guard trust fund pursuant to subsection 1 of this section shall be placed in a subaccount and shall be used solely for the purpose authorized in section 41.958.

149.200. ILLEGAL ACTIVITIES RELATED TO CIGARETTES AND CIGARETTE LABELING — PENALTY. — 1. It is unlawful for any person to:

(1) Sell or distribute in this state, to acquire, hold, own, possess or transport for sale or distribution in this state, or to import, or cause to be imported into this state for sale or distribution in this state, any cigarettes that do not comply with all requirements imposed by or pursuant to federal law and implementing regulations, including but not limited to the filing of ingredients lists pursuant to Section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a); the permanent imprinting on the primary packaging of the precise package warning labels in the precise format specified in Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333); the rotation of label statements pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335(c)); restrictions on the importation, transfer and sale of previously exported tobacco products pursuant to Section 9302 of Public Law 105-33, the Balanced Budget Act of 1997, as amended; requirements of Title IV of Public Law 106-476, the Imported Cigarette Compliance Act of 2000; or

(2) Alter the package of any cigarettes, prior to sale or distribution to the ultimate consumer, so as to remove, conceal or obscure:

(a) Any statement, label, stamp, sticker or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording; or

(b) Any health warning that is not the precise warning statement in the precise format specified in Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333).

2. It shall be unlawful for any person to affix any tax stamp or meter impression required pursuant to this chapter to the package of any cigarettes that does not comply with the requirements of subdivision (1) of subsection 1 of this section or that is altered in violation of subdivision (2) of subsection 1 of this section.

3. This section shall not apply to cigarettes allowed to be imported or brought into the United States for personal use, or to cigarettes sold or intended to be sold as duty-free merchandise by a duty-free sales enterprise in accordance with the provisions of 19 U.S.C. 1555(b) and any implementing regulations; provided, however, that sections 149.200 to 149.215 shall apply to any such cigarettes that are brought back into the customs territory for resale within the customs territory.

4. Any person who violates this section, whether acting knowingly or recklessly, is guilty of a class [D] E felony.

5. As used in this section, "package" means a pack, box, carton or container of any kind in which cigarettes are offered for sale, sold or otherwise distributed to consumers.

160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — ADDITIONAL RESTRICTIONS FOR CERTAIN SUSPENSIONS — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY. — 1.

The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours,

for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping **in the first degree** under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section [569.020] **570.023**;
- (10) [Distribution of drugs] **Manufacture of a controlled substance** under section [195.211] **579.055**;
- (11) [Distribution of drugs to a minor] **Delivery of a controlled substance** under section [195.212] **579.020**;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section [565.060] **565.052**;
- (16) Rape in the second degree under section 566.031;
- (17) [Felonious restraint] **Kidnapping in the second degree** under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first, **second, or third** degree pursuant to section 566.067, **566.068, or 566.069**;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100;
- (24) Harassment **in the first degree** under section 565.090; or
- (25) Stalking **in the first degree** under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of

education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved.

The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the

school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. JUVENILE OFFICER OR OTHER LAW ENFORCEMENT AUTHORITY TO REPORT TO SUPERINTENDENT, WHEN, HOW — SUPERINTENDENT TO REPORT CERTAIN ACTS, TO WHOM — NOTICE OF SUSPENSION OR EXPULSION TO COURT — SUPERINTENDENT TO CONSULT. — 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 **as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;**
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
- (6) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
- (9) Distribution of drugs under section 195.211 **as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;**
- (10) Distribution of drugs to a minor under section 195.212 **as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;**
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024;
- (14) Second degree assault under section 565.060 **as it existed prior to January 1, 2017, or second degree assault under section 565.052;**
- (15) Sexual assault under section 566.040 as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;
- (16) Felonious restraint under section 565.120 **as it existed prior to January 1, 2017, or kidnapping in the second degree for an act committed after December 31, 2016;**
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;

(19) Child molestation in the first degree pursuant to section 566.067 **as it existed prior to January 1, 2017;**

(20) **Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069 for an act committed after December 31, 2016;**

(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;

~~[(21)]~~ (22) Sexual misconduct involving a child pursuant to section 566.083; or

~~[(22)]~~ (23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. SUMMARY SUSPENSION OF PUPIL — APPEAL — GROUNDS FOR SUSPENSION — PROCEDURE — CONFERENCE REQUIRED, WHEN — STATEWIDE SUSPENSION, WHEN. — 1.

The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly

transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
 - (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
 - (3) The pupil shall be given an opportunity to present such pupil's version of the incident;
- and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020;
 - (b) Second degree murder under section 565.021;
 - (c) First degree assault under section 565.050;
 - (d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
 - (e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
 - (f) Statutory rape under section 566.032;
 - (g) Statutory sodomy under section 566.062;
 - (h) Robbery in the first degree under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;**
 - (i) Distribution of drugs to a minor under section 195.212;
 - (j) Arson in the first degree under section 569.040;

(k) **Kidnapping or kidnapping in the first degree**, when classified as a class A felony under section 565.110.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

168.071. REVOCATION, SUSPENSION OR REFUSAL OF CERTIFICATE OR LICENSE, GROUNDS — PROCEDURE — APPEAL. — 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has [pleaded guilty to or] been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of **Missouri prior to January 1, 2017**, any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: rape in the first degree under section 566.030; forcible rape [under section 566.030 as it existed prior to August 28, 2013]; rape [as it existed prior to August 13, 1980]; statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; rape in the second degree under section 566.031; sexual assault under section 566.040 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; forcible sodomy under section 566.060 as it existed prior to August 28, 2013; sodomy as it existed prior to January 1, 1995; statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree [under section 566.067]; child molestation in the second degree [under section 566.068]; **child molestation in the third degree under section 566.069; child molestation in the fourth degree under section 566.071**; sodomy in the second degree under section 566.061; deviate sexual assault under section 566.070 as it existed prior to August 28, 2013; sexual misconduct involving a child under section 566.083; sexual contact with a student [while on public school property] under section 566.086; sexual misconduct in the first degree under section 566.093; sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013; sexual misconduct in the second degree under section 566.095; sexual misconduct in the second degree under section 566.093 as it existed prior to August 28, 2013; sexual misconduct in the third degree under section 566.095 as it existed prior to August 28, 2013; sexual abuse in the first degree under section 566.100; sexual abuse under section 566.100 as it existed prior to August 28, 2013; sexual abuse in the second degree under section 566.101; enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance [under section 568.080]; promoting sexual performance by a child [under section 568.090]; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting **pornography for minors or** obscenity in the second degree when the penalty is enhanced to a class [D] E felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child

pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder [pleads guilty or] is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the [plea of guilty or] finding of [guilty] **guilt**.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

188.030. ABORTION OF VIABLE UNBORN CHILD PROHIBITED, EXCEPTIONS — PHYSICIAN DUTIES — VIOLATIONS, PENALTY — SEVERABILITY — RIGHT OF INTERVENTION, WHEN. —

1. Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. For purposes of this section, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Except in the case of a medical emergency:

(1) Prior to performing or inducing an abortion upon a woman, the physician shall determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. In making such determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would

consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age;

(2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;

(3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;

(4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

(b) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.

(c) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term "hospital" is defined in section 197.020.

(d) Any physician who performs or induces an abortion upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all

cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

(e) No physician shall perform or induce an abortion upon a woman when it has been determined that the unborn child is viable unless there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life or health of the viable unborn child; provided that it does not pose an increased risk to the life of the woman or does not pose an increased risk of substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this section is guilty of a class [C] **D** felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section 560.011, shall be fined not less than ten thousand nor more than fifty thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of this section shall be subject to suspension or revocation of his or her license to practice medicine in the state of Missouri by the state board of registration for the healing arts under the provisions of sections 334.100 and 334.103.

5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.070.

6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section may be subject to suspension or revocation of its license under the provisions of section 197.220.

7. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

8. Nothing in this section shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted in section 1.140. In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this section be declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, it is the intent of the legislature that the remaining provisions of this section remain in force and effect as far as capable of being carried into execution as intended by the legislature.

10. The general assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

190.621. PENALTY FOR CONCEALING OR FALSIFYING AN ORDER. — 1. Any person who knowingly conceals, cancels, defaces, or obliterates the outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate identification of another person without the consent of the other person, or who knowingly falsifies or forges a revocation of the outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate identification of another person, is guilty of a class A misdemeanor.

2. Any person who knowingly executes, falsifies, or forges an outside the hospital do-not-resuscitate order or an outside the hospital do-not-resuscitate identification of another person without the consent of the other person, or who knowingly conceals or withholds personal knowledge of a revocation of an outside the hospital do-not-resuscitate order or an outside the hospital do-not-resuscitate identification of another person, is guilty of a class [D] **E** felony.

191.905. FALSE STATEMENT TO RECEIVE HEALTH CARE PAYMENT PROHIBITED — KICKBACK, BRIBE, PURPOSE, PROHIBITED, EXCEPTIONS — ABUSE PROHIBITED — PENALTY — PROSECUTION, PROCEDURE — MEDICAID FRAUD REIMBURSEMENT FUND CREATED — RESTITUTION — CIVIL PENALTY — NOTIFICATION TO DISCIPLINARY AGENCIES — CIVIL ACTION AUTHORIZED. — 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. No person shall knowingly solicit or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

(1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or

(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any health care.

3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to refer another person to a health care provider for the furnishing or arranging for the furnishing of any health care.

4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price obtained by a health care provider if the reduction in price is properly disclosed and appropriately reflected in the claim made by the health care provider to the health care payer, or any amount paid by an employer to an employee for employment in the provision of health care.

5. Exceptions to the provisions of subsections 2 and 3 of this [subsection] **section** shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and regulations promulgated pursuant thereto.

6. No person shall knowingly abuse a person receiving health care.

7. A person who violates subsections 1 to 3 of this section is guilty of a class [C] **D** felony upon his or her first conviction, and shall be guilty of a class B felony upon his or her second and subsequent convictions. Any person who has been convicted of such violations shall be referred to the Office of Inspector General within the United States Department of Health and Human Services. The person so referred shall be subject to the penalties provided for under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded and proven as provided by section 558.021. A person who violates subsection 6 of this section shall be guilty of a class [C] **D** felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the property involved is less than five hundred dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor.

8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of sections 191.900 to 191.910 is guilty of a class [D] **E** felony.

9. Each separate false statement or false representation of a material fact proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a separate offense and a separate violation of this section, whether or not made at the same or different times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or as part of the same claim.

10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence of knowledge may include but shall not be limited to the following:

(1) A claim for a health care payment submitted with the health care provider's actual, facsimile, stamped, typewritten or similar signature on the claim for health care payment;

(2) A claim for a health care payment submitted by means of computer billing tapes or other electronic means;

(3) A course of conduct involving other false claims submitted to this or any other health care payer.

11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet fraud reimbursement fund after division and appropriation to the federal government and affected state agencies shall be used to increase MO HealthNet provider reimbursement until it is at least one hundred percent of the Medicare provider reimbursement rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

12. A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person, except that the court may assess not more than two times the amount of damages which the state and federal government sustained because of the act of the person, if the court finds:

(1) The person committing the violation of this section furnished personnel employed by the attorney general and responsible for investigating violations of sections 191.900 to 191.910 with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;

- (2) Such person fully cooperated with any government investigation of such violation; and
- (3) At the time such person furnished the personnel of the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

13. Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

14. The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12 of this section have been previously ordered against the person for the same cause of action.

15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

191.914. FALSE REPORT OR CLAIM, PENALTY. — 1. Any person who intentionally files a false report or claim alleging a violation of sections 191.900 to 191.910 is guilty of a class A misdemeanor. Any second or subsequent violation of this section is a class [D] E felony and shall be punished as provided by law.

2. Any person who receives any compensation in exchange for knowingly failing to report any violation of subsections 1 to 3 of section 191.905 is guilty of a class [D] E felony.

193.315. ACTS WHICH CONSTITUTE CRIMES. — 1. Any person who knowingly makes any false statement in a certificate, record, or report required by sections 193.005 to 193.325 or in an application for an amendment thereof, or in an application for a certified copy of a vital record, or who knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof shall be guilty of a class [D] E felony.

2. Any person who, without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required by sections 193.005 to 193.325, certified copy of such certificate, record, or report shall be guilty of a class [D] E felony.

3. Any person who knowingly obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, or report required by sections 193.005 to 193.325 or certified copy thereof so made, counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or deceased, shall be guilty of a class [D] E felony.

4. Any employee of the department or involved with the system of vital statistics who knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth, with the knowledge or intention that it be used for the purposes of deception shall be guilty of a class [D] E felony.

5. Any person who without lawful authority possesses any certificate, record, or report, required by sections 193.005 to 193.325 or a copy or certified copy of such certificate, record, or report knowing same to have been stolen, or otherwise unlawfully obtained, shall be guilty of a class [D] E felony.

6. Any person who knowingly refuses to provide information required by sections 193.005 to 193.325, or regulations adopted hereunder, shall be guilty of a class A misdemeanor.

7. Any person who knowingly neglects or violates any of the provisions of sections 193.005 to 193.325 or refuses to perform any of the duties imposed upon him by sections 193.005 to 193.325 shall be guilty of a class A misdemeanor.

194.410. HUMAN BURIAL SITES — KNOWINGLY DISTURB, PENALTY — APPROPRIATION FOR SALE, PENALTY. — 1. Any person, corporation, partnership, proprietorship, or organization who knowingly disturbs, destroys, vandalizes, or damages a marked or unmarked human burial site commits a class [D] E felony.

2. Any person who knowingly appropriates for profit, uses for profit, sells, purchases or transports for sale or profit any human remains without the right of possession to those remains as provided in sections 194.400 to 194.410 commits a class A misdemeanor and, in the case of a second or subsequent violation, commits a class [D] E felony.

3. Any person who knowingly appropriates for profit, uses for profit, sells, purchases or transports for sale or profit any cultural items obtained in violation of sections 194.400 to 194.410 commits a class A misdemeanor and, in the case of a second or subsequent violation, commits a class [D] E felony.

194.425. ABANDONMENT OF A CORPSE WITHOUT NOTIFYING AUTHORITIES, PENALTY. — 1. A person commits the crime of abandonment of a corpse if that person abandons, disposes, deserts or leaves a corpse without properly reporting the location of the body to the proper law enforcement officials in that county.

2. Abandonment of a corpse is a class [D] E felony.

195.005. COMPREHENSIVE DRUG CONTROL ACT. — [Sections 195.005 to 195.425] **This chapter and chapter 579** shall be known as the "Comprehensive Drug Control Act [of 1989]".

195.010. DEFINITIONS. — The following words and phrases as used in [sections 195.005 to 195.425] **this chapter and chapter 579**, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his **or her** addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his **or her** presence, by his **or her** authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under [sections 195.005 to 195.425] **this chapter**;

(5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in [sections 195.005 to 195.425] **this chapter**;

(6) "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

(7) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

(9) "Dentist", a person authorized by law to practice dentistry in this state;

(10) "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

(11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

(12) "Distribute", to deliver other than by administering or dispensing a controlled substance;

(13) "Distributor", a person who distributes;

(14) "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

(15) "Drug-dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(17) "Drug paraphernalia", all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of [sections 195.005 to 195.425] **this chapter or chapter 579**. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance; In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

[(a)] **a.** Statements by an owner or by anyone in control of the object concerning its use;

[(b)] **b.** Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

[(c)] **c.** The proximity of the object, in time and space, to a direct violation of [sections 195.005 to 195.425] **this chapter or chapter 579**;

[(d)] **d.** The proximity of the object to controlled substances or imitation controlled substances;

[(e)] **e.** The existence of any residue of controlled substances or imitation controlled substances on the object;

[(f)] **f.** Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he **or she** knows, or should reasonably know, intend to use the object to facilitate a violation of [sections 195.005 to 195.425] **this chapter or chapter 579**; the innocence of an owner, or of anyone in control of the object, as to direct violation of [sections 195.005 to 195.425] **this chapter or chapter 579** shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

[(g)] **g.** Instructions, oral or written, provided with the object concerning its use;

[(h)] **h.** Descriptive materials accompanying the object which explain or depict its use;

[(i)] **i.** National or local advertising concerning its use;

[(j)] **j.** The manner in which the object is displayed for sale;

[(k)] **k.** Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

[(l)] **l.** Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

[(m)] **m.** The existence and scope of legitimate uses for the object in the community;

[(n)] **n.** Expert testimony concerning its use;

[(o)] **o.** The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

(18) "Federal narcotic laws", the laws of the United States relating to controlled substances;

(19) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198;

(20) "Immediate precursor", a substance which:

(a) The state department of health and senior services has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

(21) "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

(22) "Laboratory", a laboratory approved by the department of health and senior services as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

(23) "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his **or her** administering or dispensing of a controlled substance or an imitation controlled substance in the course of his **or her** professional practice, or

(b) By a practitioner or his **or her** authorized agent under his **or her** supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

(24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to *Cannabis Sativa L.*, *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(25) "Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

(26) "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

(27) "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health and senior services;

(28) "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

(29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

(30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug other than a controlled substance;

(31) "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

(32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in [sections 195.005 to 195.425] **this chapter** shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

(33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

(34) "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his **or her** person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

(35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

(36) "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

(37) "Registry number", the number assigned to each person registered under the federal controlled substances laws;

(38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

(39) "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

(40) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section 195.017 and any analogues[,] ; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration;

(41) "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his **or her** own use or for the use of a member of his **or her** household **or immediate family, regardless of whether they live in the same household**, or for administering to an animal owned by him or by a member of his **or her** household. **For purposes of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;**

(42) "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

195.015. AUTHORITY TO CONTROL. — 1. The department of health and senior services shall administer [sections 195.005 to 195.425] **this chapter** and may add substances to the schedules after public notice and hearing. In making a determination regarding a substance, the department of health and senior services shall consider the following:

- (1) The actual or relative potential for abuse;
- (2) The scientific evidence of its pharmacological effect, if known;
- (3) The state of current scientific knowledge regarding the substance;
- (4) The history and current pattern of abuse;
- (5) The scope, duration, and significance of abuse;
- (6) The risk to the public health;
- (7) The potential of the substance to produce psychic or physiological dependence liability;

and

(8) Whether the substance is an immediate precursor of a substance already controlled under [sections 195.005 to 195.425] **this chapter**.

2. After considering the factors enumerated in subsection 1 of this section the department of health and senior services shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

3. If the department of health and senior services designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

4. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the department of health and senior services, the department of health and senior services shall similarly control the substance under [sections 195.005 to 195.425] **this chapter** after the expiration of thirty days from publication in the

federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty-day period, the department of health and senior services objects to inclusion, rescheduling, or deletion. In that case, the department of health and senior services shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the department of health and senior services shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling or deletion under [sections 195.005 to 195.425] **this chapter** by the department of health and senior services, control under [sections 195.005 to 195.425] **this chapter** is stayed as to the substance in question until the department of health and senior services publishes its decision.

5. The department of health and senior services shall exclude any nonnarcotic substance from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

6. The department of health and senior services shall prepare a list of all drugs falling within the purview of controlled substances. Upon preparation, a copy of the list shall be filed in the office of the secretary of state.

195.016. NOMENCLATURE. — The controlled substances listed or to be listed in the schedules in [sections 195.005 to 195.425] **section 195.017** are included by whatever official, common, usual, chemical, or trade name designated.

195.017. SUBSTANCES, HOW PLACED IN SCHEDULES — LIST OF SCHEDULED SUBSTANCES — PUBLICATION OF SCHEDULES ANNUALLY — ELECTRONIC LOG OF TRANSACTIONS TO BE MAINTAINED, WHEN — CERTAIN PRODUCTS TO BE LOCATED BEHIND PHARMACY COUNTER — EXEMPTION FROM REQUIREMENTS, WHEN — RULEMAKING AUTHORITY. — 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and
(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;
(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (a) Acetyl-alpha-methylfentanyl;
- (b) Acetylmethadol;
- (c) Allylprodine;
- (d) Alphacetylmethadol;
- (e) Alphameprodine;
- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;

- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxidine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacymorphan;
- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;
- (jj) Morpheridine;
- (kk) MPPP;
- (ll) Noracymethadol;
- (mm) Norlevorphanol;
- (nn) Normethadone;
- (oo) Norpipanone;
- (pp) Para-fluorofentanyl;
- (qq) PEPAP;
- (rr) Phenadoxone;
- (ss) Phenampromide;
- (tt) Phenomorphan;
- (uu) Phenoperidine;
- (vv) Piritramide;
- (ww) Proheptazine;
- (xx) Properidine;
- (yy) Propiram;
- (zz) Racemoramide;
- (aaa) Thiofentanyl;
- (bbb) Tilidine;
- (ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine;
- (b) Acetyldihydrocodeine;
- (c) Benzylmorphine;
- (d) Codeine methylbromide;
- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;
- (i) Drotebanol;
- (j) Etorphine (except hydrochloride salt);
- (k) Heroin;

- (l) Hydromorphenol;
- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine methylsulfonate;
- (q) Morphine-N-Oxide;
- (r) Myrophine;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;
- (4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - (a) 4-bromo-2, 5-dimethoxyamphetamine;
 - (b) 4-bromo-2, 5-dimethoxyphenethylamine;
 - (c) 2,5-dimethoxyamphetamine;
 - (d) 2,5-dimethoxy-4-ethylamphetamine;
 - (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
 - (f) 4-methoxyamphetamine;
 - (g) 5-methoxy-3,4-methylenedioxyamphetamine;
 - (h) 4-methyl-2, 5-dimethoxyamphetamine;
 - (i) 3,4-methylenedioxyamphetamine;
 - (j) 3,4-methylenedioxymethamphetamine;
 - (k) 3,4-methylenedioxy-N-ethylamphetamine;
 - (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
 - (m) 3,4,5-trimethoxyamphetamine;
 - (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers;
 - (o) Alpha-ethyltryptamine;
 - (p) Alpha-methyltryptamine;
 - (q) Bufotenine;
 - (r) Diethyltryptamine;
 - (s) Dimethyltryptamine;
 - (t) 5-methoxy-N,N-diisopropyltryptamine;
 - (u) Ibogaine;
 - (v) Lysergic acid diethylamide;
 - (w) Marijuana or marihuana;
 - (x) Mescaline;
 - (y) Parahexyl;
 - (z) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;
 - (aa) N-ethyl-3-piperidyl benzilate;
 - (bb) N-methyl-3-piperidyl benzilate;
 - (cc) Psilocybin;
 - (dd) Psilocyn;
 - (ee) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the

resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- d. Any compounds of these structures, regardless of numerical designation of atomic positions covered;
 - (ff) Ethylamine analog of phencyclidine;
 - (gg) Pyrrolidine analog of phencyclidine;
 - (hh) Thiophene analog of phencyclidine;
 - (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
 - (jj) *Salvia divinorum*;
 - (kk) Salvinorin A;
 - (ll) Synthetic cannabinoids:
 - a. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited to:
 - (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
 - (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
 - (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
 - (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
 - (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
 - (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
 - (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
 - (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
 - (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
 - (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
 - (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
 - (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
 - b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;
 - c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;
 - d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:
 - (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
 - (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
 - (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
 - (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
 - (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to:

(i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7;

f. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

(i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

(ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

k. Dimethylheptylpyran, or DMHP;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Gamma-hydroxybutyric acid;

(b) Mecloqualone;

(c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Aminorex;

(b) N-benzylpiperazine;

(c) Cathinone;

(d) Fenethylamine;

(e) 3-Fluoromethcathinone;

(f) 4-Fluoromethcathinone;

(g) Mephedrone, or 4-methylmethcathinone;

(h) Methcathinone;

(i) 4-methoxymethcathinone;

(j) (+,-)-cis-4-methylaminorex ((+,-)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(k) Methylenedioxypropylvalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);

(l) Methylone, or 3,4-Methylenedioxypropylmethcathinone;

(m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;

(n) N-ethylamphetamine;

(o) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thetylfantanyl), its optical isomers, salts and salts of isomers;

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. Ethylmorphine;

i. Etorphine hydrochloride;

j. Hydrocodone;

k. Hydromorphone;

l. Metopon;

m. Morphine;

n. Oxycodone;

o. Oxymorphone;

p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

(a) Alfentanil;

(b) Alphaprodine;

(c) Anileridine;

(d) Bezitramide;

(e) Bulk dextropropoxyphene;

- (f) Carfentanil;
 - (g) Dihydrocodeine;
 - (h) Diphenoxylate;
 - (i) Fentanyl;
 - (j) Isomethadone;
 - (k) Levo-alphaacetylmethadol;
 - (l) Levomethorphan;
 - (m) Levorphanol;
 - (n) Metazocine;
 - (o) Methadone;
 - (p) Meperidine;
 - (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
 - (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane — carboxylic acid;
 - (s) Pethidine (meperidine);
 - (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 - (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
 - (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 - (w) Phenazocine;
 - (x) Piminodine;
 - (y) Racemethorphan;
 - (z) Racemorphan;
 - (aa) Remifentanil;
 - (bb) Sufentanil;
 - (cc) Tapentadol;
 - (3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
 - (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
 - (b) Lisdexamphetamine, its salts, isomers, and salts of its isomers;
 - (c) Methamphetamine, its salts, isomers, and salts of its isomers;
 - (d) Phenmetrazine and its salts;
 - (e) Methylphenidate;
 - (4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - (a) Amobarbital;
 - (b) Glutethimide;
 - (c) Pentobarbital;
 - (d) Phencyclidine;
 - (e) Secobarbital;
 - (5) Any material or compound which contains any quantity of nabilone;
 - (6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:
 - (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
 - (b) Immediate precursors to phencyclidine (PCP):
 - a. 1-phenylcyclohexylamine;
 - b. 1-piperidinocyclohexanecarbonitrile (PCC);
 - (7) Any material, compound, mixture, or preparation which contains any quantity of the following alkyl nitrites:
 - (a) Amyl nitrite;
 - (b) Butyl nitrite.
-

5. The department of health and senior services shall place a substance in Schedule III if it finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

- a. Amobarbital;
- b. Secobarbital;
- c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

- a. Amobarbital;
- b. Secobarbital;
- c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Embutramide;

(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;

(g) Ketamine, its salts, isomers, and salts of isomers;

(h) Lysergic acid;

(i) Lysergic acid amide;

(j) Methyprylon;

(k) Sulfo-diethylmethane;

(l) Sulfonethylmethane;

(m) Sulfonmethane;

(n) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

- (a) 3 β ,17-dihydroxy-5 α -androstane;
- (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- (c) 5 α -androstan-3,17-dione;
- (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- (i) 4-androstenedione (androst-4-en-3,17-dione);
- (j) 5-androstenedione (androst-5-en-3,17-dione);
- (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- (m) Boldione;
- (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- (q) Desoxymethyltestosterone;
- (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
- (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- (x) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-fuzazan);

- (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
 - (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
 - (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
 - (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
 - (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
 - (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
 - (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
 - (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
 - (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one);
 - (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one);
 - (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
 - (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
 - (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
 - (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
 - (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
 - (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
 - (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
 - (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
 - (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 - (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
 - (ss) 19-nor-4,9(10)-androstadienedione;
 - (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 - (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
 - (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 - (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 - (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
 - (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
 - (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
 - (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
 - (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
 - (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
 - (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);
 - (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
 - (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
 - (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
 - (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
 - (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
 - (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
 - (kkk) Any salt, ester, or ether of a drug or substance described or listed in this subdivision, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;
- (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;
- (8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the

admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

- (1) The substance has a low potential for abuse relative to substances in Schedule III;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Alprazolam;
- (b) Barbital;
- (c) Bromazepam;
- (d) Camazepam;
- (e) Chloral betaine;
- (f) Chloral hydrate;
- (g) Chlordiazepoxide;
- (h) Clobazam;
- (i) Clonazepam;
- (j) Clorazepate;
- (k) Clotiazepam;
- (l) Cloxazolam;
- (m) Delorazepam;
- (n) Diazepam;
- (o) Dichloralphenazone;
- (p) Estazolam;
- (q) Ethchlorvynol;
- (r) Ethinamate;
- (s) Ethyl loflazepate;
- (t) Fludiazepam;
- (u) Flunitrazepam;
- (v) Flurazepam;

- (w) Fospropofol;
- (x) Halazepam;
- (y) Haloxazolam;
- (z) Ketazolam;
- (aa) Loprazolam;
- (bb) Lorazepam;
- (cc) Lormetazepam;
- (dd) Mebutamate;
- (ee) Medazepam;
- (ff) Meprobamate;
- (gg) Methohexital;
- (hh) Methylphenobarbital (mephobarbital);
- (ii) Midazolam;
- (jj) Nimetazepam;
- (kk) Nitrazepam;
- (ll) Nordiazepam;
- (mm) Oxazepam;
- (nn) Oxazolam;
- (oo) Paraldehyde;
- (pp) Petrichloral;
- (qq) Phenobarbital;
- (rr) Pinazepam;
- (ss) Prazepam;
- (tt) Quazepam;
- (uu) Temazepam;
- (vv) Tetrazepam;
- (ww) Triazolam;
- (xx) Zaleplon;
- (yy) Zolpidem;
- (zz) Zopiclone;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Cathine ((+)-norpseudoephedrine);
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil;
- (h) Pemoline, including organometallic complexes and chelates thereof;
- (i) Phentermine;
- (j) Pipradrol;
- (k) Sibutramine;
- (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

- (a) butorphanol;
 - (b) pentazocine;
-

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 **and sections 579.015 to 579.086** if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(a) Lacosamide;

(b) Pregabalin.

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to [their] **such person's** purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

16. [Any person who knowingly or recklessly violates] **The penalties for a knowing or reckless violation of the provisions of subsections 11 to 15 of this section [is guilty of a class A misdemeanor] are found in section 579.060.**

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19. The department of health and senior services shall revise and republish the schedules annually.

20. The department of health and senior services shall promulgate rules under chapter 536 regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.

195.030. RULES, PROCEDURE — FEES — REGISTRATION REQUIRED, EXCEPTIONS, REGISTRATION, TERM NOT TO EXCEED THREE YEARS. — 1. The department of health and senior services upon public notice and hearing pursuant to this section and chapter 536 may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state. No rule or

portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a wholesaler shall supply the same, without having first obtained a registration issued by the department of health and senior services in accordance with rules and regulations promulgated by it. No registration shall be granted for a term exceeding three years.

3. Persons registered by the department of health and senior services pursuant to [sections 195.005 to 195.425] **this chapter** to manufacture, distribute, or dispense or conduct research with controlled substances are authorized to possess, manufacture, distribute or dispense such substances, including any such activity in the conduct of research, to the extent authorized by their registration and in conformity with other provisions of [sections 195.005 to 195.425] **this chapter and chapter 579**.

4. The following persons shall not be required to register and may lawfully possess controlled substances pursuant to [sections 195.005 to 195.425] **this chapter and chapter 579**:

(1) An agent or employee, excluding physicians, dentists, optometrists, podiatrists or veterinarians, of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his or her business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

5. The department of health and senior services may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

6. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

7. The department of health and senior services is authorized to inspect the establishment of a registrant or applicant in accordance with the provisions of [sections 195.005 to 195.425] **this chapter**.

195.040. REGISTRATION REQUIREMENTS—REVOCATION AND SUSPENSION—REVIEW BY ADMINISTRATIVE HEARING COMMISSION—REAPPLICATION MAY BE DENIED UP TO FIVE YEARS.— 1. No registration shall be issued under section 195.030 unless and until the applicant therefor has furnished proof satisfactory to the department of health and senior services:

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his **or her** application.

2. No registration shall be granted to any person who has within two years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any misdemeanor offense or within seven years for any felony offense related to controlled substances. No registration shall be granted to any person who is abusing controlled substances.

3. The department of health and senior services shall register an applicant to manufacture, distribute or dispense controlled substances unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under [sections 195.005 to 195.425] **this chapter**;

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

5. Practitioners shall be registered to dispense any controlled substance or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the laws of this state. The department of health and senior services need not require separate registration under [sections 195.005 to 195.425] **this chapter** for practitioners engaging in research with nonnarcotic substances in Schedules II through V where the registrant is already registered under [sections 195.005 to 195.425] **this chapter** in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the department of health and senior services evidence of that federal registration.

6. Compliance by manufacturers and distributors with the provisions of federal law respecting registration (excluding fees) shall entitle them to be registered under [sections 195.005 to 195.425] **this chapter**.

7. A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the department of health and senior services upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under [sections 195.005 to 195.425] **this chapter**;

(2) Has been convicted of a felony under any state or federal law relating to any controlled substance;

(3) Has had his **or her** federal registration to manufacture, distribute or dispense suspended or revoked;

(4) Has violated any federal controlled substances statute or regulation, or any provision of [sections 195.005 to 195.425] **this chapter or chapter 579** or regulation promulgated [pursuant to sections 195.005 to 195.425] **under this chapter**; or

(5) Has had the registrant's professional license to practice suspended or revoked.

8. The department of health and senior services may warn or censure a registrant; limit a registration to particular controlled substances or schedules of controlled substances; limit revocation or suspension of a registration to a particular controlled substance with respect to which grounds for revocation or suspension exist; restrict or limit a registration under such terms and conditions as the department of health and senior services considers appropriate for a period of five years; suspend or revoke a registration for a period not to exceed five years; or deny an application for registration. In any order of revocation, the department of health and senior services may provide that the registrant may not apply for a new registration for a period of time ranging from one to five years following the date of the order of revocation. All stay orders shall toll this time period. Any registration placed under a limitation or restriction by the department of health and senior services shall be termed "under probation".

9. If the department of health and senior services suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon

application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

10. The department of health and senior services may, upon review, terminate any restriction or limitation previously imposed upon a registration by the department of health and senior services if the registrant has remained in compliance with the imposed restrictions or limitations and local, state and federal laws since the time the restrictions or limitations were imposed.

11. The department of health and senior services shall promptly notify the Drug Enforcement Administration, United States Department of Justice, or its successor agency, of all orders suspending or revoking registration and all forfeitures of controlled substances.

12. If after first providing the registrant an opportunity for an informal conference, the department of health and senior services proposes to deny, suspend, restrict, limit or revoke a registration or refuse a renewal of registration, the department of health and senior services shall serve upon the applicant or registrant written notice of the proposed action to be taken on the application or registration. The notice shall contain a statement of the type of discipline proposed, the basis therefor, the date such action shall go into effect and a statement that the registrant shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health and senior services within thirty days of the applicant's or registrant's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or registrant. If the registrant or applicant makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within sixty days of receipt of the written request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission. The department of health and senior services may issue letters of censure or warning and may enter into agreements with a registrant or applicant which restrict or limit a registration without formal notice or hearing.

13. The department of health and senior services may suspend any registration simultaneously with the institution of proceedings under subsection 7 of this section if the department of health and senior services finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

195.050. CONTROLLED SUBSTANCES, LEGAL SALES, HOW MADE — RECORDS REQUIRED TO BE KEPT. — 1. A duly registered manufacturer or wholesaler may sell controlled substances to any of the following persons:

- (1) To a manufacturer, wholesaler, or pharmacy;
- (2) To a physician, dentist, podiatrist or veterinarian;
- (3) To a person in charge of a hospital, but only for use in that hospital;
- (4) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

2. A duly registered manufacturer or wholesaler may sell controlled substances to any of the following persons:

- (1) On a special written order accompanied by a certificate of exemption, as required by federal laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of his **or her** official duties;

- (2) To a master of a ship or person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when

not in port; provided, such controlled substances shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting surgeon of the United States Public Health Service;

(3) To a person in a foreign country if the provisions of federal laws are complied with.

3. An official written order for any controlled substance listed in Schedules I and II shall be signed in duplicate by the person giving the order or by his **or her** duly authorized agent. The original shall be presented to the person who sells or dispenses the controlled substance named therein. In event of the acceptance of such order by the person, each party to the transaction shall preserve his **or her** copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of [sections 195.005 to 195.425] **this chapter or chapter 579**. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with federal laws, respecting the requirements governing the use of order forms.

4. Possession of or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

5. A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled substances under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his **or her** employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of [sections 195.005 to 195.425] **this chapter and chapter 579**.

6. Every person registered to manufacture, distribute or dispense controlled substances under [sections 195.005 to 195.425] **this chapter** shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

7. Manufacturers and wholesalers shall keep records of all narcotic and controlled substances compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all controlled substances received and disposed of by them, in accordance with this section.

8. Apothecaries shall keep records of all controlled substances received and disposed of by them, in accordance with the provisions of this section.

9. The form of records shall be prescribed by the department of health and senior services.

195.060. CONTROLLED SUBSTANCES TO BE DISPENSED ON PRESCRIPTION ONLY, EXCEPTION. — 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he **or she** is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his **or her** own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than

six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the:

(1) Prescription was issued according to and in compliance with the applicable laws of that state and the United States; and

(2) Quantity limitations in subsection 2 of section 195.080 apply to prescriptions dispensed to patients located in this state.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. EXCEPTED SUBSTANCES — PRESCRIPTION OR DISPENSING LIMITATION ON AMOUNT OF SUPPLY, EXCEPTION — MAY BE INCREASED BY PHYSICIAN, PROCEDURE. — 1. Except as otherwise **provided** in [sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425] **this chapter and chapter 579, this chapter and chapter 579** shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that [sections 195.005 to 195.425] **this chapter and chapter 579** shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of [sections 195.005 to 195.425] **this chapter and chapter 579**. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. LABELING REQUIREMENTS. — 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under [sections 195.005 to 195.425] **this chapter**, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or the supervising physician if the prescription is written by a physician assistant, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.140. FORFEITURE OF CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA, WHEN — DISPOSAL — MONEY, RECORDS IN CLOSE PROXIMITY ALSO FORFEITED, REBUTTABLE PRESUMPTION — PROCEDURE. — 1. All controlled substances, imitation controlled substances or drug paraphernalia for the administration, use or manufacture of controlled substances or imitation controlled substances and which have come into the custody of a peace officer or officer or agent of the department of health and senior services as provided by [sections 195.010 to 195.320] **this chapter or chapter 579**, the lawful possession of which is not established or the title to which cannot be ascertained after a hearing as prescribed in Rule 34 of Rules of Criminal Procedure for the courts of Missouri or some other appropriate hearing, shall be forfeited, and disposed of as follows:

(1) Except as in this section otherwise provided, the court or associate circuit judge having jurisdiction shall order such controlled substances, imitation controlled substances, or drug paraphernalia forfeited and destroyed. A record of the place where said controlled substances, imitation controlled substances, or drug paraphernalia were seized, of the kinds and quantities of controlled substances, imitation controlled substances, or drug paraphernalia so destroyed, and of the time, place and manner of destructions, shall be kept, and a return under oath, reporting the destruction of the controlled substances, imitation controlled substances, or drug paraphernalia shall be made to the court or associate circuit judge;

(2) The department of health and senior services shall keep a complete record of all controlled substances, imitation controlled substances, or drug paraphernalia received and disposed of, together with the dates of such receipt and disposal, showing the exact kinds, quantities, and forms of such controlled substances, imitation controlled substances, or drug paraphernalia; the persons from whom received and to whom delivered; and by whose authority they were received, delivered or destroyed; which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic or controlled substances laws.

2. (1) Everything of value furnished, or intended to be furnished, in exchange for a controlled substance, imitation controlled substance or drug paraphernalia in violation of [sections 195.010 to 195.320] **this chapter or chapter 579**, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used, or intended to be used, to

facilitate any violation of [sections 195.010 to 195.320] **this chapter or chapter 579**, shall be forfeited, except that no property shall be forfeited under this subsection to the extent of the interest of an owner by reason of any act or omission established by him to have been committed without his **or her** knowledge or consent.

(2) Any moneys, coin, or currency found in close proximity to forfeitable controlled substances, imitation controlled substances, or drug paraphernalia, or forfeitable records of the importation, manufacture, or distribution of controlled substances, imitation controlled substances or drug paraphernalia are presumed to be forfeitable under this subsection. The burden of proof shall be upon claimants of the property to rebut this presumption.

(3) All forfeiture proceedings shall be conducted pursuant to the provisions of sections 513.600 to [513.660] **513.653**.

195.150. PROCEDURE UPON CONVICTION FOR VIOLATION. — On the conviction of any person of the violation of any provision of this [law] **chapter or chapter 579**, a copy of the judgment and sentence, and of the opinion of the court or associate circuit judge, if any opinion be filed, shall be sent by the clerk of the court, or by the associate circuit judge, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his **or her** profession or to carry on his **or her** business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his **or her** profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

195.190. ENFORCEMENT BY WHOM. — It is hereby made the duty of the department of health and senior services, its officers, agents, inspectors, and representatives, and all peace officers within the state, and all county attorneys, to enforce all provisions of [sections 195.005 to 195.425] **this chapter and chapter 579**, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic and controlled substances.

195.195. REGULATIONS, AUTHORITY TO PROMULGATE, WHERE VESTED. — The authority to promulgate regulations for the efficient enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579** is hereby vested in the director of the department of health and senior services subject to the provisions of subsection 1 of section 195.030 and chapter 536. The director of the department of health and senior services is hereby authorized to make regulations promulgated under [sections 195.005 to 195.425] **this chapter** conform with those promulgated under the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

195.198. EDUCATIONAL AND RESEARCH PROGRAMS AUTHORIZED — REPORT, CONTENTS ON EFFECT OF DRUGS, PUBLICATION. — 1. The director of the department of health and senior services shall carry out educational programs designed to prevent and deter misuse and abuse of controlled dangerous substances. In connection with such programs he **or she** may:

(1) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(2) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(3) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

2. The director of the department of health and senior services shall encourage research on misuse and abuse of controlled substances. In connection with such research and in furtherance of the enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579**, he **or she** may:

(1) Establish methods to assess accurately the effects of controlled substances including but not limited to gathering, analyzing, and publishing a report using existing data regarding poisoning episodes, arrests relating to controlled substance violations, crime laboratory determinations, department of health and senior services investigations and audits, information available from the federal Drug Enforcement Administration and Food and Drug Administration, and to identify and characterize substances with potential for abuse;

(2) Make studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579**.

3. The director of the department of health and senior services may enter into contracts for educational and research activities.

195.375. WARRANTS FOR ADMINISTRATIVE INSPECTIONS, CONTENTS, PROCEDURES — CONTROLLED PREMISES, DEFINED. — 1. A judge, upon proper oath or affirmation showing probable cause, may issue warrants for controlled premises for the purpose of conducting administrative inspections authorized by [sections 195.005 to 195.425] **this chapter**, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579** sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

2. A warrant shall issue only upon an affidavit of a peace officer or an employee of the department of health and senior services having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist, he **or she** shall issue a warrant identifying the area, premises, building or conveyance to be inspected, the purpose of the inspection, and if appropriate, the type of property to be inspected, if any. The warrant shall:

(1) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(2) Be directed to a peace officer or to an employee of the department of health and senior services to execute it;

(3) Command the person to whom it is directed to inspect the area, premises, building or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(4) Identify the item or types of property to be seized, if any;

(5) Direct that it be served during normal business hours and designate the judge to whom it shall be returned.

3. A warrant issued pursuant to this section shall be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

4. The judge who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court which issued the warrant. The department of health and senior services may make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this section only, "controlled premises" means:

(a) Places where persons registered or exempted from registration requirements under [sections 195.005 to 195.425] **this chapter** are required to keep records; and

(b) Places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under [sections 195.005 to 195.425] **this chapter** are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance;

(2) When authorized by an administrative inspection warrant issued pursuant to this section, an officer or employee designated by the department of health and senior services, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection;

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the department of health and senior services may:

(a) Inspect and copy records required by [sections 195.005 to 195.425] **this chapter and chapter 579** to be kept;

(b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subdivision (5) of this subsection, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of [sections 195.005 to 195.425] **this chapter and chapter 579**; and

(c) Inventory any stock of any controlled substance therein and obtain samples thereof;

(4) This section does not prevent entries and administrative inspections, including seizures of property, without a warrant:

(a) If the owner, operator, or agent in charge of the controlled premises consents;

(b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or

(e) In all other situations in which a warrant is not constitutionally required;

(5) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing;

(6) The department of health and senior services may obtain computerized controlled substances dispensing information via printouts, disks, tapes or other state of the art means of electronic data transfer.

5. Prescriptions, orders, and records, required by [sections 195.005 to 195.425] **this chapter and chapter 579**, and stocks of controlled substances shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his or her office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

195.417. LIMIT ON SALE OR DISPENSING OF CERTAIN DRUGS, EXCEPTIONS — VIOLATIONS, PENALTY. — 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable

amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than nine grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

6. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

8. [Within thirty days of June 15, 2005,] All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

9. [Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.] **The penalty for a knowing or reckless violation of this section is found in section 579.060.**

195.418. LIMITATIONS ON THE RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS — VIOLATIONS, PENALTY. — 1. The retail sale of methamphetamine precursor drugs shall be limited to:

- (1) Sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and

- (2) For nonliquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.

2. [Any person holding a retail sales license pursuant to chapter 144 who knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.] **The penalty for a knowing violation of subsection 1 of this section is found in section 579.060.**

196.979. DONATION OF PRESCRIPTION DRUGS TO THE PROGRAM, PROCEDURE — DISTRIBUTION TO OUT-OF-STATE CHARITABLE REPOSITORIES, WHEN. — 1. Any person, including but not limited to a prescription drug manufacturer or health care facility, may donate prescription drugs to the prescription drug repository program. The drugs shall be donated at a pharmacy, hospital, or nonprofit clinic that elects to participate in the prescription drug repository program and meets the criteria for participation established by rule of the department pursuant to section 196.984. Participation in the program by pharmacies, hospitals, and nonprofit clinics shall be voluntary. Nothing in sections 196.970 to 196.984 shall require any pharmacy, hospital, or nonprofit clinic to participate in the program.

2. A pharmacy, hospital, or nonprofit clinic which meets the eligibility requirements established in section 196.984 may dispense prescription drugs donated under the program to persons who are residents of Missouri and who meet the eligibility requirements of the program, or to other governmental entities and nonprofit private entities to be dispensed to persons who meet the eligibility requirements of the program. A prescription drug shall be dispensed only pursuant to a prescription issued by a health care professional who is authorized by statute to prescribe drugs. A pharmacy, hospital, or nonprofit clinic which accepts donated prescription drugs shall comply with all applicable federal and state laws dealing with the storage and distribution of dangerous drugs and shall inspect all prescription drugs prior to dispensing the prescription drugs to determine that they are not adulterated as described in section 196.095. The pharmacy, hospital, or nonprofit clinic may charge persons receiving donated prescription drugs a handling fee, not to exceed a maximum of two hundred percent of the Medicaid dispensing fee, established by rule of the department promulgated pursuant to section 196.984. Prescription drugs donated to the program shall not be resold. Any individual who knowingly resells any donated prescription drugs pursuant to sections 196.970 to 196.984 shall be guilty of a class [D] E felony.

3. Drugs donated under this section that are not used or accepted by any pharmacy, hospital, or nonprofit clinic in this state may be distributed to out-of-state charitable repositories for use outside of this state. Such donated drugs may be repackaged in a manner appropriate for distribution by participating pharmacies, hospitals, and nonprofit clinics.

197.266. ABUSE AND NEGLECT, PENALTY. — Any hospice or employee of a hospice who knowingly abuses or neglects any client, or misappropriates the property of any client, shall be guilty of a class [D] E felony.

197.326. LOBBYIST AND INTEREST REGISTRATION REQUIRED, WHEN, CONTENTS, PENALTY — GENERAL ASSEMBLY MEMBER PROHIBITED FROM ACCEPTING CONTRIBUTIONS, WHEN — CERTAIN PERSONS MAY NOT OFFER GIFTS, WHEN, PENALTY. — 1. Any person who is paid either as part of his **or her** normal employment or as a lobbyist to support or oppose any project before the health facilities review committee shall register as a lobbyist pursuant to chapter 105 and shall also register with the staff of the health facilities review committee for every project in which such person has an interest and indicate whether such person supports or opposes the named project. The registration shall also include the names and addresses of any

person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478.

2. A member of the general assembly who also serves as a member of the health facilities review committee is prohibited from soliciting or accepting campaign contributions from any applicant or person speaking for an applicant or any opponent to any application or persons speaking for any opponent while such application is pending before the health facilities review committee.

3. Any person regulated by chapter 197 or 198 and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any person employed as staff to the committee, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind or any campaign contribution while such application is pending before the health facilities review committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class [D] E felony.

[660.250.] 197.1000. DEFINITIONS. — As used in [sections 660.250 to 660.321] **sections 197.1000 to 197.1042**, the following terms mean:

(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation;

(2) "Court", the circuit court;

(3) "Department", the department of health and senior services;

(4) "Director", director of the department of health and senior services or his or her designees;

(5) "Eligible adult", a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 660.053, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs;

(6) "Home health agency", the same meaning as such term is defined in section 197.400;

(7) "Home health agency employee", a person employed by a home health agency;

(8) "Home health patient", an eligible adult who is receiving services through any home health agency;

(9) "In-home services client", an eligible adult who is receiving services in his or her private residence through any in-home services provider agency;

(10) "In-home services employee", a person employed by an in-home services provider agency;

(11) "In-home services provider agency", a business entity under contract with the department or with a Medicaid participation agreement, which employs persons to deliver any kind of services provided for eligible adults in their private homes;

(12) "Least restrictive environment", a physical setting where protective services for the eligible adult and accommodation is provided in a manner no more restrictive of an individual's personal liberty and no more intrusive than necessary to achieve care and treatment objectives;

(13) "Likelihood of serious physical harm", one or more of the following:

(a) A substantial risk that physical harm to an eligible adult will occur because of his or her failure or inability to provide for his or her essential human needs as evidenced by acts or behavior which has caused such harm or which gives another person probable cause to believe that the eligible adult will sustain such harm;

(b) A substantial risk that physical harm will be inflicted by an eligible adult upon himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused such harm or which places another person in reasonable fear that the eligible adult will sustain such harm;

(c) A substantial risk that physical harm will be inflicted by another upon an eligible adult as evidenced by recent acts or behavior which has caused such harm or which gives another person probable cause to believe the eligible adult will sustain such harm;

(d) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of his or her financial resources by another person;

(14) "Neglect", the failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result;

(15) "Protective services", services provided by the state or other governmental or private organizations or individuals which are necessary for the eligible adult to meet his or her essential human needs.

197.1002. MANDATORY REPORTERS — PENALTY FOR FAILURE TO REPORT. — 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 197.1000 to 197.1028:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of a person sixty years of age or older who has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of a person sixty years of age or older may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

[660.255.] 197.1004. REPORTS, CONTENTS — DEPARTMENT TO MAINTAIN TELEPHONE FOR REPORTING. — 1. [Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and is in need of protective services shall report such information to the department.

2. The report] A report made under section 197.1002 shall be made orally or in writing. It shall include, if known:

(1) The name, age, and address of the eligible adult or person subjected to abuse or neglect;

(2) The name and address of any person responsible for care of the eligible [adult's care] adult or person subjected to abuse or neglect;

(3) The nature and extent of the **condition of the** eligible [adult's condition] **adult or person subjected to abuse or neglect**; and

(4) Other relevant information.

[3.] **2.** Reports regarding persons determined not to be eligible adults as defined in section 660.250 shall be referred to the appropriate state or local authorities.

[4.] **3.** The department shall maintain a statewide toll free phone number for receipt of reports.

[660.260.] 197.1006. INVESTIGATIONS OF REPORTS OF ELIGIBLE ADULTS, DEPARTMENT PROCEDURES. — Upon receipt of a report, the department shall make a prompt and thorough investigation to determine whether or not an eligible adult is facing a likelihood of serious physical harm and is in need of protective services. The department shall provide for any of the following:

(1) Identification of the eligible adult and determination that the eligible adult is eligible for services;

(2) Evaluation and diagnosis of the needs of eligible adults;

(3) Provision of social casework, counseling or referral to the appropriate local or state authority;

(4) Assistance in locating and receiving alternative living arrangements as necessary;

(5) Assistance in locating and receiving necessary protective services; or

(6) The coordination and cooperation with other state agencies and public and private agencies in exchange of information and the avoidance of duplication of services.

[660.261.] 197.1008. INVESTIGATIONS OF REPORTS OF ELIGIBLE ADULTS BETWEEN EIGHTEEN AND FIFTY-NINE, DEPARTMENT PROCEDURES. — Upon receipt of a report that an eligible adult between the ages of eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall:

(1) Investigate or refer the report to appropriate law enforcement or state agencies; and

(2) Provide services or refer to local community or state agencies.

[565.186.] 197.1010. INVESTIGATION OF ELDER ABUSE — REPORT. — The department of health and senior services shall investigate incidents and reports of elder abuse **or neglect** using the procedures established in sections [660.250 to 660.295] **197.1000 to 197.1028** and, upon substantiation of the report of elder abuse **or neglect**, shall promptly report the incident to the appropriate law enforcement agency and prosecutor and shall determine whether protective services are required pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028**. If the department is unable to substantiate whether abuse **or neglect** occurred due to the failure of the operator or any of the operator's agents or employees to cooperate with the investigation, the incident shall be promptly reported to appropriate law enforcement agencies.

[565.190.] 197.1012. DUTY TO REPORT, IMMUNITY. — Any person, official or institution complying with the provisions of [section 565.188] **subdivision (2) of subsection 1 of section 197.1002** in the making of a report, or in cooperating with the department in any of its activities [pursuant to sections 565.186 and 565.188] **under section 197.1010**, except any person, official or institution violating section [565.180, 565.182 or] 565.184, shall be immune from any civil or criminal liability for making such a report, or in cooperating with the department, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[660.263.] 197.1014. RECORDS, WHAT CONFIDENTIAL, WHAT SUBJECT TO DISCLOSURE — PROCEDURE — CENTRAL REGISTRY TO RECEIVE COMPLAINTS OF ABUSE AND NEGLECT. — 1. Reports made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028** shall be confidential and shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610.

2. Such reports shall be accessible for examination and copying only to the following persons or offices, or to their designees:

- (1) The department or any person or agency designated by the department;
- (2) The attorney general;
- (3) The department of mental health for persons referred to that department;
- (4) Any appropriate law enforcement agency; and
- (5) The eligible adult or his legal guardian.

3. The name of the reporter shall not be disclosed unless:

- (1) Such reporter specifically authorizes disclosure of his name; and

(2) The department determines that disclosure of the name of the reporter is necessary in order to prevent further harm to an eligible adult.

4. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028**, shall be guilty of a class A misdemeanor.

5. The department shall maintain a central registry capable of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall electronically record any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording.

6. Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.

[660.265.] 197.1016. ASSISTANCE TO BE GIVEN. — When an eligible adult gives consent to receive protective services, the department shall assist the adult in locating and arranging for necessary services in the least restrictive environment reasonably available.

[660.270.] 197.1018. PROCEDURE WHEN ABUSE, NEGLECT, OR PHYSICAL HARM MAY BE INVOLVED—REMEDIES. — When the department receives a report that there has been abuse or neglect, or that there otherwise is a likelihood of serious physical harm to an eligible adult and that he or she is in need of protective services and the department is unable to conduct an investigation because access to the eligible adult is barred by any person, the director may petition the appropriate court for a warrant or other order to enter upon the described premises and investigate the report or to produce the information. The application for the warrant or order shall identify the eligible adult and the facts and circumstances which require the issuance of the warrant or order. The director may also seek an order to enjoin the person from barring access to an eligible adult or from interfering with the investigation. If the court finds that, based on the report and relevant circumstances and facts, probable cause exists showing that the eligible adult faces abuse or neglect, or otherwise faces a likelihood of serious physical harm and is in need of protective services and the director has been prevented by another person from investigating the report, the court may issue the warrant or enjoin the interference with the investigation or both.

[660.275.] 197.1020. INTERFERENCE WITH DELIVERY OF SERVICES, EFFECT—REMEDY. — If an eligible adult gives consent to receive protective services and any other person interferes with or prevents the delivery of such services, the director may petition the appropriate court for an order to enjoin the interference with the delivery of the services. The petition shall allege the consent of the eligible adult and shall allege specific facts sufficient to show that the eligible adult faces a likelihood of serious physical harm and is in need of the protective services and that delivery is barred by the person named in the petition. If the court finds upon a preponderance

of evidence that the allegations in the petition are true, the court may issue an order enjoining the interference with the delivery of the protective services and may establish such conditions and restrictions on the delivery as the court deems necessary and proper under the circumstances.

[660.280.] 197.1022. RECIPIENT UNABLE TO GIVE CONSENT, PROCEDURE, REMEDY. —

When an eligible adult facing the likelihood of serious physical harm and in need of protective services is unable to give consent because of incapacity or legal disability and the guardian of the eligible adult refuses to provide the necessary services or allow the provision of such services, the director shall inform the court having supervisory jurisdiction over the guardian of the facts showing that the eligible adult faces the likelihood of serious physical harm and is in need of protective services and that the guardian refuses to provide the necessary services or allow the provision of such services under the provisions of sections [660.250 to 660.295] **197.1000 to 197.1028**. Upon receipt of such information, the court may take such action as it deems necessary and proper to insure that the eligible adult is able to meet his essential human needs.

[660.285.] 197.1024. DIRECTOR MAY PROCEED UNDER OTHER LAW, WHEN — LEGAL COUNSEL MAY BE RETAINED, WHEN. — 1. If the director determines after an investigation that an eligible adult is unable to give consent to receive protective services and presents a likelihood of serious physical harm, the director may initiate proceedings pursuant to chapter 202 or chapter 475, if appropriate.

2. In order to expedite adult guardianship and conservatorship cases, the department may retain, within existing funding sources of the department, legal counsel on a case-by-case basis.

[660.290.] 197.1026. PEACE OFFICER MAY ACT, WHEN, HOW — INVOLUNTARY TREATMENT MAY BE ORDERED, HOW, WHERE RENDERED — RELIGIOUS BELIEFS TO BE OBSERVED. — 1. When a peace officer has probable cause to believe that an eligible adult will suffer an imminent likelihood of serious physical harm if not immediately placed in a medical facility for care and treatment, that the adult is incapable of giving consent, and that it is not possible to follow the procedures in section [660.285] **197.1024**, the officer may transport, or arrange transportation for, the eligible adult to an appropriate medical facility which may admit the eligible adult and shall notify the next of kin, if known, and the director.

2. Where access to the eligible adult is barred and a substantial likelihood exists of serious physical harm resulting to the eligible adult if he is not immediately afforded protective services, the peace officer may apply to the appropriate court for a warrant to enter upon the described premises and remove the eligible adult. The application for the warrant shall identify the eligible adult and the circumstances and facts which require the issuance of the warrant.

3. If immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment for the eligible adult, has not given or refused to give such consent, and it is the opinion of the medical staff of the facility that treatment is necessary to prevent serious physical harm, the director or the head of the medical facility shall file a petition in the appropriate court for an order authorizing specific medical treatment. The court shall hold a hearing and issue its decision forthwith. Notwithstanding the above, if a licensed physician designated by the facility for such purpose examines the eligible adult and determines that the treatment is immediately or imminently necessary and any delay occasioned by the hearing provided in this subsection would jeopardize the life of the person affected, the medical facility may treat the eligible adult prior to such court hearing.

4. The court shall conduct a hearing pursuant to chapter 475 forthwith and, if the court finds the eligible adult incapacitated, it shall appoint a guardian ad litem for the person of the eligible adult to determine the nature and extent of the medical treatment necessary for the benefit of the eligible adult and to supervise the rendition of such treatment. The guardian ad litem shall promptly report the completion of treatment to the court, who shall thereupon conduct a restoration hearing or a hearing to appoint a permanent guardian.

5. The medical care under this section may not be rendered in a mental health facility unless authorized pursuant to the civil commitment procedures in chapter 632.

6. Nothing contained in this section or in any other section of sections [660.250 to 660.295] **197.1000 to 197.1028** shall be construed as requiring physician or medical care or hospitalization of any person who, because of religious faith or conviction, relies on spiritual means or prayer to cure or prevent disease or suffering nor shall any provision of sections [660.250 to 660.295] **197.1000 to 197.1028** be construed so as to designate any person as an eligible adult who presents a likelihood of suffering serious physical harm and is in need of protective services solely because such person, because of religious faith or conviction, relies on spiritual means or prayer to cure or prevent disease or suffering.

[660.295.] 197.1028. DISCONTINUANCE OF SERVICES, WHEN — EXCEPTION. — If an eligible adult does not consent to the receipt of reasonable and necessary protective services, or if an eligible adult withdraws previously given consent, the protective services shall not be provided or continued; except that, if the director has reasonable cause to believe that the eligible adult lacks the capacity to consent, the director may seek a court order pursuant to the provisions of section [660.285] **197.1024**.

[660.300.] 197.1030. REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY — PENALTY — CONTENTS OF REPORT — INVESTIGATION, PROCEDURE — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE AT HOME EVALUATIONS, PROCEDURE. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

6. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

7. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

8. Reports shall be confidential, as provided under section [660.320] **197.1040**.

9. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

10. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he has reasonable cause to believe has been committed or has occurred.

12. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section [565.180, 565.182, or] 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

13. The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

14. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section [660.315] **197.1036**, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-

home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

15. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

16. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

17. All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

18. Subject to appropriations, all nurse visits authorized in sections [660.250 to 660.300] **197.1000 to 197.1030** shall be reimbursed to the in-home services provider agency.

[660.305.] 197.1032. IN-HOME SERVICES CLIENT, MISAPPROPRIATION OF PROPERTY, REPORT—INVESTIGATION—PENALTY—CONFIDENTIALITY OF REPORT—IMMUNITY—RETALIATION PROHIBITED—EMPLOYEE DISQUALIFICATION LIST. — 1. Any person having reasonable cause to believe that a misappropriation of an in-home services client's property or funds, or the falsification of any documents verifying service delivery to the in-home services client has occurred, may report such information to the department.

2. For each report the department shall attempt to obtain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, information regarding the nature of the misappropriation or falsification, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any in-home services provider agency or in-home services employee who puts to his or her own use or the use of the in-home services provider agency or otherwise diverts from the in-home services client's use any personal property or funds of the in-home services client, or falsifies any documents for service delivery, is guilty of a class A misdemeanor.

4. Upon receipt of a report, the department shall immediately initiate an investigation and report information gained from such investigation to appropriate law enforcement authorities.

5. If the investigation indicates probable misappropriation of property or funds, or falsification of any documents for service delivery of an in-home services client, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action.

6. Reports shall be confidential, as provided under section [660.320] **197.1040**.

7. Anyone, except any person participating in or benefitting from the misappropriation of funds, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

8. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

9. No person who directs or exercises any authority in an in-home services provider agency shall harass, dismiss or retaliate against an in-home services client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the in-home services provider agency or any in-home services employee which he or she has reasonable cause to believe has been committed or has occurred.

10. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who are or have been employed by an in-home service provider agency and who have been finally determined by the department to, pursuant to section [660.315] **197.1036**, have misappropriated any property or funds, or falsified any documents for service delivery of an in-home services client and who came to be known to the person, directly, or indirectly while employed by an in-home services provider agency.

[660.310.] 197.1034. ALTERATION OF IN-HOME SERVICES PROVIDER AGENCY CONTRACTS, PROCEDURE — LETTERS OF CENSURE — STAYING OF SUSPENSIONS — APPEAL PROCESS. — 1. Notwithstanding any other provision of law, if the department of health and senior services proposes to deny, suspend, place on probation, or terminate an in-home services provider agency contract, the department of health and senior services shall serve upon the applicant or contractor written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or contractor shall have thirty days from the date of mailing or delivery of the notice to file a complaint requesting a hearing before the administrative hearing commission. The administrative hearing commission may consolidate an applicant's or contractor's complaint with any proceeding before the administrative hearing commission filed by such contractor or applicant pursuant to subsection 3 of section 208.156 involving a common question of law or fact. Upon the filing of the complaint, the provisions of sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall apply. With respect to cases in which the department has denied a contract to an in-home services provider agency, the administrative hearing commission shall conduct a hearing to determine the underlying basis for such denial. However, if the administrative hearing commission finds that the contract denial is supported by the facts and the law, the case need not be returned to the department. The administrative hearing commission's decision shall constitute affirmation of the department's contract denial.

2. The department of health and senior services may issue letters of censure or warning without formal notice or hearing.

3. The administrative hearing commission may stay the suspension or termination of an in-home services provider agency's contract, or the placement of the contractor on probation, pending the commission's findings and determination in the cause, upon such conditions, with

or without the agreement of the parties, as the commission deems necessary and appropriate, including the posting of bond or other security except that the commission shall not grant a stay, or if a stay has already been entered shall set aside its stay, unless the commission finds that the contractor has established that servicing the department's clients pending the commission's final determination would not present an imminent danger to the health, safety, or welfare of any client or a substantial probability that death or serious physical harm would result. The commission may remove the stay at any time that it finds that the contractor has violated any of the conditions of the stay. Such stay shall remain in effect, unless earlier removed by the commission, pending the decision of the commission and any subsequent departmental action at which time the stay shall be removed. In any case in which the department has refused to issue a contract, the commission shall have no authority to stay or to require the issuance of a contract pending final determination by the commission.

4. Stays granted to contractors by the administrative hearing commission shall, as a condition of the stay, require at a minimum that the contractor under the stay operate under the same contractual requirements and regulations as are in effect, from time to time, as are applicable to all other contractors in the program.

5. The administrative hearing commission shall make its final decision based upon the circumstances and conditions as they existed at the time of the action of the department and not based upon circumstances and conditions at the time of the hearing or decision of the commission.

6. In any proceeding before the administrative hearing commission pursuant to this section, the burden of proof shall be on the contractor or applicant seeking review.

7. Any person, including the department, aggrieved by a final decision of the administrative hearing commission may seek judicial review of such decision as provided in section 621.145.

[660.315.] 197.1036. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
 - (2) Provides in-home services under contract with the department;
 - (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
 - (4) Is approved by the department to issue certificates for nursing assistants training;
 - (5) Is an entity licensed under **this** chapter [197];
 - (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
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(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section [660.317] **197.1038**;
- (2) Was placed on the employee disqualification list under this section after the date of hire;
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;
- (4) Has a disqualifying finding under this section, section [660.317] **197.1038**, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or
- (5) Was denied a good cause waiver as provided for in subsection 10 of section [660.317] **197.1038**.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

[660.317.] 197.1038. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES, REQUIRED WHEN — PERSONS WITH CRIMINAL HISTORY NOT TO BE HIRED, WHEN, PENALTY — FAILURE TO DISCLOSE, PENALTY — IMPROPER HIRINGS, PENALTY — DEFINITIONS — RULES TO WAIVE HIRING RESTRICTIONS. — 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

- (1) Is licensed as an operator pursuant to chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is an entity licensed pursuant to chapter 197;
- (5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health; or
- (6) Is a licensed adult day care provider.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540.

3. Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section 43.540. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence. If an applicant has not resided in this state for five consecutive years prior to the date of his or her application for employment, the provider shall request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The fingerprint cards and any required fees shall be sent to the highway patrol's central repository. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual. The provisions relating to applicants for employment who have not resided in this state for five consecutive years shall apply only to persons who have no employment history with a licensed Missouri facility during that five-year period. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the provider making the record request; and

(2) Make an inquiry to the department of health and senior services whether the person is listed on the employee disqualification list as provided in section [660.315] **197.1036**.

4. When the provider requests a criminal background check pursuant to section 43.540, the requesting entity may require that the applicant reimburse the provider for the cost of such record check. When a provider requests a nationwide criminal background check pursuant to subdivision (1) of subsection 3 of this section, the total cost to the provider of any background check required pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding and the obligation of a provider to obtain a nationwide criminal background check shall be subject to the availability of appropriations.

5. An applicant for a position to have contact with patients or residents of a provider shall:

- (1) Sign a consent form as required by section 43.540 so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section [660.315] **197.1036**.

6. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires or retains a person to have contact with patients or residents and the person has been [convicted of, pled guilty to or nolo contendere] **found guilty** in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

7. Any in-home services provider agency or home health agency shall be guilty of a class A misdemeanor if such agency knowingly employs a person to provide in-home services or home health services to any in-home services client or home health patient and such person either refuses to register with the family care safety registry or is listed on any of the background check lists in the family care safety registry pursuant to sections 210.900 to 210.937.

8. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

9. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

10. Except for the hiring restriction based on the department of health and senior services employee disqualification list established pursuant to section [660.315] **197.1036**, the department of health and senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents.

[660.320.] 197.1040. PROHIBITION AGAINST DISCLOSURE OF REPORTS, EXCEPTIONS — EMPLOYMENT SECURITY PROVIDED REPORTS UPON REQUEST. — 1. Reports confidential under section 198.070 and sections [660.300 to 660.315] **197.1030 to 197.1036** shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610. The name of the complainant or any person mentioned in the reports shall not be disclosed unless:

(1) The complainant, resident or the in-home services client mentioned agrees to disclosure of his or her name;

(2) The department determines that disclosure is necessary in order to prevent further abuse, neglect, misappropriation of property or funds, or falsification of any documents verifying service delivery to an in-home services client;

(3) Release of a name is required for conformance with a lawful subpoena;

(4) Release of a name is required in connection with a review by the administrative hearing commission in accordance with section 198.039;

(5) The department determines that release of a name is appropriate when forwarding a report of findings of an investigation to a licensing authority; or

(6) Release of a name is requested by the division of family services for the purpose of licensure under chapter 210.

2. The department shall, upon request, provide to the division of employment security within the department of labor and industrial relations copies of the investigative reports that led to an employee being placed on the disqualification list.

[660.321.] 197.1042. CONFIDENTIALITY OF RECORDS, RECORDS DISCLOSED, WHEN. —

Notwithstanding any other provision of law, the department shall not disclose personally identifiable medical, social, personal, or financial records of any eligible adult being served by the division of senior services except when disclosed in a manner that does not identify the eligible adult, or when ordered to do so by a court of competent jurisdiction. Such records shall be accessible without court order for examination and copying only to the following persons or offices, or to their designees:

- (1) The department or any person or agency designated by the department for such purposes as the department may determine;
- (2) The attorney general, to perform his or her constitutional or statutory duties;
- (3) The department of mental health for residents placed through that department, to perform its constitutional or statutory duties;
- (4) Any appropriate law enforcement agency, to perform its constitutional or statutory duties;
- (5) The eligible adult, his or her legal guardian or any other person designated by the eligible adult; and
- (6) The department of social services for individuals who receive Medicaid benefits, to perform its constitutional or statutory duties.

198.015. LICENSE, WHEN REQUIRED — DURATION — CONTENT — EFFECT OF CHANGE OF OWNERSHIP — TEMPORARY PERMITS — PENALTY FOR VIOLATION. — 1. No person shall establish, conduct or maintain a residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. Any person violating this subsection wherein abuse or neglect of a resident of the facility has occurred is guilty of a class [D] E felony. The department of health and senior services shall investigate any complaint concerning operating unlicensed facilities. For complaints alleging abuse or neglect, the department shall initiate an investigation within twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated within forty-five days.

2. If the department determines the unlicensed facility is in violation of sections 198.006 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney general's office.

3. Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

4. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:

- (1) With respect to a partnership, a change in the majority interest of general partners;
- (2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;
- (3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

5. Licenses shall be posted in a conspicuous place on the licensed premises.

6. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule may require.

7. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.

8. The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.

9. The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator.

198.070. ABUSE OR NEGLECT OF RESIDENTS — REPORTS, WHEN, BY WHOM — CONTENTS OF REPORT — FAILURE TO REPORT, PENALTY — INVESTIGATION, REFERRAL OF COMPLAINT, REMOVAL OF RESIDENT — CONFIDENTIALITY OF REPORT — IMMUNITY, EXCEPTION — PROHIBITION AGAINST RETALIATION — PENALTY — EMPLOYEE LIST — SELF-REPORTING OF INCIDENTS, INVESTIGATIONS, WHEN. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with the care of a person sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of a facility has been abused or neglected, he or she shall immediately report or cause a report to be made to the department.

2. The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

4. In addition to the penalties imposed by this section, any administrator who knowingly conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in section [565.002] **556.061**, is guilty of a class [D] E felony.

5. In addition to those persons required to report pursuant to subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.

6. Upon receipt of a report, the department shall initiate an investigation within twenty-four hours and, as soon as possible during the course of the investigation, shall notify the resident's next of kin or responsible party of the report and the investigation and further notify them whether the report was substantiated or unsubstantiated unless such person is the alleged perpetrator of the abuse or neglect. As provided in section [565.186] **197.1010**, substantiated reports of elder abuse shall be promptly reported by the department to the appropriate law enforcement agency and prosecutor.

7. If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the

department authority for the temporary care and protection of the resident, for a period not to exceed thirty days.

8. Reports shall be confidential, as provided pursuant to section [660.320] **197.1040**.

9. Anyone, except any person who has abused or neglected a resident in a facility, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith or with malicious purpose. It is a crime [pursuant to section 565.186 and 565.188] **under section 565.189** for any person to [purposely] **knowingly** file a false report of elder abuse or neglect.

10. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11. No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a resident or employee because such resident or employee or any member of such resident's or employee's family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which the resident, the resident's family or an employee has reasonable cause to believe has been committed or has occurred. Through the existing department information and referral telephone contact line, residents, their families and employees of a facility shall be able to obtain information about their rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to a report being made pursuant to this section.

12. Any person who abuses or neglects a resident of a facility is subject to criminal prosecution under section [565.180, 565.182, or] 565.184.

13. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who are or have been employed in any facility and who have been finally determined by the department pursuant to section [660.315] **197.1036** to have knowingly or recklessly abused or neglected a resident. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

14. The timely self-reporting of incidents to the central registry by a facility shall continue to be investigated in accordance with department policy, and shall not be counted or reported by the department as a hot-line call but rather a self-reported incident. If the self-reported incident results in a regulatory violation, such incident shall be reported as a substantiated report.

198.097. MISAPPROPRIATION OF FUNDS OF ELDERLY OR DISABLED NURSING HOME RESIDENTS, PENALTY. — 1. Any person who assumes the responsibility of managing the financial affairs of an elderly or disabled person who is a resident of any facility licensed under this chapter is guilty of a class [D] **E** felony if such person misappropriates the funds and fails to pay for the facility care of the elderly or disabled person. For purposes of this subsection, a person assumes the responsibility of managing the financial affairs of an elderly person when he or she receives, has access to, handles, or controls the elderly or disabled person's monetary funds, including but not limited to Social Security income, pension, cash, or other resident income.

2. Evidence of misappropriating funds and failure to pay for the care of an elderly or disabled person may include but not be limited to proof that the facility has sent, by certified mail with confirmation receipt requested, notification of failure to pay facility care expenses incurred by a resident to the person who has assumed responsibility of managing the financial affairs of the resident.

3. Nothing in subsection 2 of this section shall be construed as limiting the investigations or prosecutions of violations of subsection 1 of this section or the crime of financial exploitation of an elderly or disabled person as defined by section 570.145.

198.158. PENALTIES FOR VIOLATION OF SECTIONS 198.139 TO 198.155. — 1. A person committing any act in violation of any provision of sections 198.139 to 198.155 is guilty of a class [D] E felony.

2. A vendor or health care provider convicted of a criminal violation of sections 198.139 to 198.155 shall be prohibited from receiving future moneys under Medicaid or from providing services under Medicaid for or on behalf of any other health care provider. However, the director of the department or his **or her** designee shall review this prohibition upon the petition of a vendor or health care provider so convicted and, for good cause shown, may reinstate the vendor or health care provider as being eligible to receive funds under Medicaid. The decision of the director or his **or her** designee shall be made in writing after the director of the fraud investigation division is allowed the opportunity to state his **or her** position concerning such petition.

3. A vendor or health care provider committing any act or omission in violation of sections 198.139 to 198.155 shall be civilly liable to the state for any moneys obtained under Medicaid as a result of such act or omission.

205.965. FEDERAL REGULATIONS TO BE FOLLOWED, INSPECTIONS, AUDITS — FOOD STAMP VENDORS TO BE APPROVED AND LICENSED, FEES — ACTIONS TO RESTRAIN VIOLATIONS, PROCEDURE — PENALTY — RULEMAKING PROCEDURE. — 1. Counties, state agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of the distribution program of surplus agricultural commodities or a food stamp plan shall comply with all state and federal laws, rules and regulations applicable to such program or plans and shall be subject to inspection and audit by the division of family services with respect to the operation of the program or plan.

2. To the extent authorized by federal law, all food stamp vendors shall be approved and licensed by the division of family services. The division may promulgate rules and regulations necessary to administer the provisions of this section. The division shall set the amount of the fees for licensing food stamp vendors at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of this section. An action may be brought by the department to temporarily or permanently enjoin or restrain any violation of this subsection or the regulations applicable thereto. Any action brought under the provisions of this subsection shall be heard by the court within no more than twenty days after the action has been filed and service made upon the vendor. Any person who in any way conducts business as a food stamp vendor without approval and license by the division of family services shall be guilty of a class A misdemeanor. A second offense within five years after the first conviction shall be a class [D] E felony.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

210.117. CHILD NOT REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN. — 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,] 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069, 566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060] **Abuse of a child under section 568.060 when such abuse is sexual in nature;**

- (4) A violation of section 568.065;
- (5) A violation of section [568.080] **573.200**;
- (6) A violation of section [568.090] **573.205**; or
- (7) A violation of section 568.175;
- (8) **A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or**
- (9) **A violation of section 568.080 or 568.090 as such sections existed prior to January 1, 2017.**

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. In any case where the children's division determines based on a substantiated report of child abuse that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child or any child care facility or school that the abused child attends, unless and until a court of competent jurisdiction determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are siblings or children living in the same home.

210.165. PENALTY FOR VIOLATION. — 1. Any person violating any provision of sections 210.110 to 210.165 is guilty of a class A misdemeanor.

2. Any person who intentionally files a false report of child abuse or neglect shall be guilty of a class A misdemeanor.

3. Every person who has been previously convicted of making a false report to the division of family services and who is subsequently convicted of making a false report under subsection 2 of this section is guilty of a class [D] E felony and shall be punished as provided by law.

4. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

210.1012. AMBER ALERT SYSTEM CREATED — DEPARTMENT TO DEVELOP SYSTEM REGIONS — FALSE REPORT, PENALTY. — 1. There is hereby created a statewide program called the "Amber Alert System" referred to in this section as the "system" to aid in the identification and location of an abducted child.

2. For the purposes of this section, "abducted child" means a child whose whereabouts are unknown and who is:

(1) Less than eighteen years of age and reasonably believed to be the victim of the crime of kidnapping **or kidnapping in the first degree** as defined by section 565.110 as determined by local law enforcement;

(2) Reasonably believed to be the victim of the crime of child kidnapping as defined by section 565.115 as determined by local law enforcement; or

(3) Less than eighteen years of age and at least fourteen years of age and who, if under the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115 as determined by local law enforcement.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the

jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The Amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the Amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an Amber alert system is entirely at the option of local law enforcement agencies and federally licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor.

211.038. CHILDREN NOT TO BE REUNITED WITH PARENTS OR PLACED IN A HOME, WHEN — DISCRETION TO RETURN, WHEN. — 1. A child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,] 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069, 566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060] **Abuse of a child under section 568.060 when such abuse is sexual in nature;**

(4) A violation of section 568.065;

(5) A violation of section [568.080] **573.200;**

(6) A violation of section [568.090] **573.205;** or

(7) A violation of section 568.175;

(8) **A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or**

(9) **A violation of section 568.080 or 568.090 as such sections existed prior to January 1, 2017.**

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise its discretion regarding the placement of a child under the jurisdiction of the juvenile court in a home in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home.

214.410. VIOLATION OF LAW, PENALTY. — 1. Any cemetery operator who shall willfully violate any provisions of sections 214.270 to 214.410 for which no penalty is otherwise prescribed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred dollars or shall be confined not more than six months or both.

2. Any cemetery operator who shall willfully violate any provision of section 214.320, 214.330, 214.335, 214.340, 214.360, 214.385, or 214.387 shall be deemed guilty of a class [D]

E felony and upon conviction thereof shall be fined a sum not to exceed ten thousand dollars or shall be confined not more than five years or both. This section shall not apply to cemeteries or cemetery associations which do not sell lots in the cemetery.

3. Any trustee who shall willfully violate any applicable provisions of sections 214.270 to 214.410 shall have committed an unsafe and unsound banking practice and shall be penalized as authorized by chapters 361 and 362. This subsection shall be enforced exclusively by the Missouri division of finance for state chartered institutions and the Missouri attorney general for federally chartered institutions.

4. Any person who shall willfully violate any provision of section 214.320, 214.330, 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or order of the division may, in accordance with the regulations issued by the division, be assessed an administrative penalty by the division. The penalty shall not exceed five thousand dollars for each violation and each day of the continuing violation shall be deemed a separate violation for purposes of administrative penalty assessment. However, no administrative penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation. Penalty assessments received shall be deposited in the endowed care cemetery audit fund created in section 193.265.

217.010. DEFINITIONS. — As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;
- (2) "Board", the board of probation and parole;
- (3) "Chief administrative officer", the institutional head of any correctional facility or his designee;
- (4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;
- (5) "Department", the department of corrections of the state of Missouri;
- (6) "Director", the director of the department of corrections or his designee;
- (7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;
- (8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;
- (9) "Division director", the director of a division of the department or his designee;
- (10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;
- (11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **kidnapping in the first degree**, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;
- (12) "Offender", a person under supervision or an inmate in the custody of the department;
- (13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;
- (14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.364. OFFENDERS UNDER TREATMENT PROGRAM, PLACEMENT, RULES — ELIGIBILITY — USE, PURPOSE, AVAILABILITY — FAILURE TO COMPLETE. — 1. The

department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision.

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has [pled guilty or] been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the board of probation and parole within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the board of probation and parole may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

217.385. VIOLENCE OR INJURY TO OTHERS OR PROPERTY BY OFFENDER, PENALTY. —

1. No offender shall knowingly commit violence to an employee of the department or to another offender housed in a department correctional center. Violation of this subsection shall be a class B felony.

2. No offender shall knowingly damage any building or other property owned or operated by the department. Violation of this subsection shall be a class [C] D felony.

217.400. FURNISHING UNFIT FOOD TO OFFENDERS, PENALTY. — 1. A person commits the [crime] offense of furnishing unfit food to offenders if he does any of the following:

(1) Knowingly furnishes or delivers any diseased, putrid or otherwise unwholesome meat from any animal or fowl that was diseased or otherwise unfit for food to any correctional center operated or funded by the department;

(2) Knowingly furnishes or delivers any other unwholesome food, vegetables or provisions whatsoever to such correctional centers to be used as food by the offenders in such correctional centers;

(3) Knowingly receives or consents to receive as an employee of such correctional center any diseased or unwholesome meat, food or provisions.

2. Furnishing unfit food to offenders is a class [D] E felony.

217.405. OFFENDER ABUSE, PENALTY — EMPLOYEES NOT TO USE PHYSICAL FORCE, EXCEPTION. — 1. Except as provided in subsection 3 of this section, a person commits the [crime] offense of ["offender abuse"] offender abuse if he or she knowingly injures the physical well-being of any offender under the jurisdiction of the department by beating, striking, wounding or by sexual contact with such person.

2. Offender abuse is a class [C] **D** felony.
3. No employee of the department shall use any physical force on an offender except the employee shall have the right to use such physical force as is necessary to defend himself **or herself**, suppress an individual or group revolt or insurrection, enforce discipline or to secure the offender.

217.541. HOUSE ARREST PROGRAM, DEPARTMENT TO ESTABLISH AND REGULATE — LIMITED RELEASE, WHEN — OFFENDERS TO FUND PROGRAM — ARREST WARRANT MAY BE ISSUED BY PROBATION OR PAROLE OFFICER, WHEN. — 1. The department shall by rule establish a program of house arrest. The director or his designee may extend the limits of confinement of offenders serving sentences for class [C or] **D or E** felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state board of probation and parole.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The board of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.

217.542. FAILURE TO RETURN TO HOUSE ARREST, FELONY. — 1. An offender of the department released to the house arrest program commits the crime of failure to return to house arrest if he **or she** purposely fails to return to his **or her** place of residence or activity authorized by subsection 3 of section 217.541 when he **or she** is required to do so.

2. Failure to return to house arrest is a class [D] **E** felony.

217.543. HOUSE ARREST AUTHORIZED FOR CERTAIN PRISONERS — JAILER TO ESTABLISH PROGRAM — REMOTE ELECTRONIC SURVEILLANCE ALLOWED — PERCENTAGE OF PRISONER'S WAGE TO PAY COST — VIOLATION PENALTY — (ST. LOUIS CITY). — 1. The jailer of any city not within a county having custody of pretrial detainees or persons serving

sentences for violation of state or local laws may establish a program of house arrest consistent with the provisions of this section.

2. Such jailer shall by rule establish a program of house arrest. Such jailer may extend the limits of confinement for pretrial detainees or persons serving sentences for violation of state or local laws.

3. The inmate or detainee shall remain an inmate of such jailer and shall be subject to the rules and regulations of the house arrest program.

4. Such jailer shall require the inmate or detainee to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the inmate or detainee.

5. An inmate or detainee released to house arrest shall be authorized to leave his **or her** place of residence only for the purpose and time necessary to participate in the programs and activities authorized.

6. Such jailer shall supervise every inmate or detainee released to the house arrest program and shall verify compliance with the requirements set forth for each person so released and such other rules and regulations that such jailer shall promulgate, and may do so by remote electronic surveillance. Such jailer may direct to any peace officer the return of any inmate or detainee from house arrest for violation of the conditions of release.

7. Each inmate or detainee who is released on house arrest shall pay a percentage of his **or her** wages to cover the costs of house arrest, such amount to be established by the jailer.

8. An inmate released to the house arrest program pursuant to this section commits the crime of escape from custody if such inmate purposely fails to return to his **or her** place of residence or activity as established by the jailer when he **or she** is required to do so. Escape from custody is a class [D] **E** felony.

217.692. ELIGIBILITY FOR PAROLE, OFFENDERS WITH LIFE SENTENCE, WHEN — CRITERIA. — 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and
- (4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records; shall be eligible for parole after having served fifteen years of such sentence when the board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The board of probation and parole shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the board's review, the board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the parole board for an amount of time to be determined by the board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
 - (2) Prison record and self-rehabilitation efforts;
-

(3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;

(4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;

(5) Any victim information outlined in subsection 7 of section 217.690 and section 595.209;

(6) The offender's continued claim of innocence;

(7) The age and maturity of the offender at the time of the board's decision;

(8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;

(9) The presence of a workable parole plan; and

(10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the board. Perjury under this section shall be a class [C] **D** felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN. — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter [195] **579, or an offense previously listed in chapter 195**, or for a class [C or] **D or E** felony, excluding the offenses of [aggravated] stalking **in the first degree**, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section [565.060] **565.052**, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, [and] abuse of a child, **and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017**;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

(3) Assault in the second degree except under subdivision (2) of subsection 1 of section [565.060] **565.052 or section 565.060 as it existed prior to January 1, 2017**;

(4) Domestic assault in the second degree;

(5) Assault [of a law enforcement officer in the second] **in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;**

(6) Statutory rape in the second degree;

(7) Statutory sodomy in the second degree;

(8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(9) Any case in which the defendant is found guilty of a felony offense under chapter 571, the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

217.735. LIFETIME SUPERVISION REQUIRED FOR CERTAIN OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN — RULEMAKING AUTHORITY. — 1. Notwithstanding any other provision of law to the contrary, the board shall supervise an offender for the duration of his or her natural life when the offender has [pleaded guilty to or] been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, [or] 566.062 [based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense under section] , 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006[.] ; or

(2) **Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017** against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the board may adopt rules relating to supervision and electronic monitoring of offenders under this section.

217.785. POSTCONVICTION DRUG TREATMENT PROGRAM, ESTABLISHED, RULES — REQUIRED PARTICIPATION, COMPLETION — INSTITUTIONAL PHASE — REPORT. — 1. As used in this section, the term "Missouri postconviction drug treatment program" means a program of noninstitutional and institutional correctional programs for the monitoring, control and treatment of certain drug abuse offenders.

2. The department of corrections shall establish by regulation the "Missouri Postconviction Drug Treatment Program". The program shall include noninstitutional and institutional placement. The institutional phase of the program may include any offender under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

3. Any first-time offender who has [pled guilty or] been found guilty of violating the provisions of chapter 195 or 579, or whose controlled substance abuse was a precipitating or contributing factor in the commission of his offense, and who is placed on probation may be required to participate in the noninstitutional phase of the program, which may include education, treatment and rehabilitation programs. Persons required to attend a program pursuant to this

section may be charged a reasonable fee to cover the costs of the program. Failure of an offender to complete successfully the noninstitutional phase of the program shall be sufficient cause for the offender to be remanded to the sentencing court for assignment to the institutional phase of the program or any other authorized disposition.

4. A probationer shall be eligible for assignment to the institutional phase of the postconviction drug treatment program if he has failed to complete successfully the noninstitutional phase of the program. If space is available, the sentencing court may assign the offender to the institutional phase of the program as a special condition of probation, without the necessity of formal revocation of probation.

5. The availability of space in the institutional program shall be determined by the department of corrections. If the sentencing court is advised that there is no space available, then the court shall consider other authorized dispositions.

6. Any time after ninety days and prior to one hundred twenty days after assignment of the offender to the institutional phase of the program, the department shall submit to the court a report outlining the performance of the offender in the program. If the department determines that the offender will not participate or has failed to complete the program, the department shall advise the sentencing court, who shall cause the offender to be brought before the court for consideration of revocation of the probation or other authorized disposition. If the offender successfully completes the program, the department shall release the individual to the appropriate probation and parole district office and so advise the court.

7. Time spent in the institutional phase of the program shall count as time served on the sentence.

221.025. ELECTRONIC MONITORING PERMITTED, WHEN — CREDIT OF TIME AGAINST PERIOD OF CONFINEMENT. — 1. As an alternative to confinement, an individual may be placed on electronic monitoring pursuant to subsection 1 of section 544.455 or subsection 6 of section 557.011, with such terms and conditions as a court shall deem just and appropriate under the circumstances.

2. A judge may, in his or her discretion, credit any such period of electronic monitoring against any period of confinement or incarceration ordered, however, electronic monitoring shall not be considered to be in custody or incarceration for purposes of eligibility for the MO HealthNet program, nor shall it be considered confinement in a correctional center or private or county jail for purposes of determining responsibility for the individual's health care.

3. This section shall not authorize a court to place an individual on electronic monitoring in lieu of the required imprisonment, community service, or court-ordered treatment program involving community service, if that individual is a prior, persistent, aggravated, [or] chronic, **or habitual** offender sentenced pursuant to section [577.023] **577.001 or section 577.023 as it existed prior to January 1, 2017.**

221.111. DELIVERY OR CONCEALMENT ON PREMISES OF NARCOTICS, LIQUOR, OR PROHIBITED ARTICLES, PENALTIES — VISITATION DENIED, WHEN — PERSONAL ITEMS PERMITTED TO BE POSTED. — 1. [No person shall knowingly deliver, attempt to deliver, have in such person's possession, deposit or conceal in or about the premises of any county or private jail or other county correctional facility] **A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term "correctional center" is defined under section 217.010, or any city, county, or private jail:**

(1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any [spiritous or malt] **intoxicating liquor as the term intoxicating liquor is defined in section 311.020;**

(3) Any article or item of personal property which a prisoner is prohibited by law [or] , by rule made pursuant to section 221.060, **or by regulation of the department of corrections** from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class [C] **D** felony; the violation of subdivision (2) of this section shall be a class [D] **E** felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county **or city** jail or other [county] correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, [has in such person's possession] **possesses**, deposits, or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

221.353. DAMAGE TO JAIL PROPERTY, CLASS D FELONY. — 1. A person commits the [crime] offense of damage to jail property if such person knowingly damages any city, county, or private jail building or other jail property.

2. A person commits the crime of damage to jail property if such person knowingly starts a fire in any city, county, or private jail building or other jail property.

3. Damage to jail property is a class [D] **E** felony.

252.235. SALE OF ANY SPECIES OF WILDLIFE, FISH PARTS THEREOF OR EGGS TAKEN IN VIOLATION OF RULES — PENALTIES — SALE AND PROPERTY DEFINED. — The sale, taking for sale or possession for sale of any species of fish or wildlife, or parts thereof, which shall include eggs, which have been taken or possessed in violation of the rules and regulations of the commission, is prohibited. Any person violating the provisions of this section shall be guilty of a class A misdemeanor for the first offense if the sale amounts to less than five hundred dollars. Any person violating the provisions of this section shall be guilty of a class [D] **E** felony for the second and subsequent offense if the sale amounts to less than five hundred dollars. Any person violating the provisions of this section shall be guilty of a class [C] **D** felony for the first and all subsequent offenses if the sale amounts to five hundred dollars or more. "Sale" means the exchange of an amount of money, other negotiable instruments, or property of value received by the person or persons selling the prohibited species. "Sale", for purposes of this section, shall also mean the intention to exchange an amount of money, other negotiable instruments or property of value for a prohibited species. For the purposes of this section "property" is defined by section 570.010 and value shall be ascertained as set forth in section 570.020.

253.080. DIRECTOR OF NATURAL RESOURCES MAY CONSTRUCT AND OPERATE FACILITIES AND COLLECT FEES FOR USAGE — CONCESSION CONTRACTS — LIMITATIONS

—RENEWAL OF CONTRACTS — ADVERTISING MERCHANDISE, PERMISSION REQUIRED. —

1. The director of the department of natural resources may construct, establish and operate suitable public services, privileges, conveniences and facilities on any land, site or object under the department's jurisdiction and control, and may charge and collect reasonable fees for the use of the same. The director may charge reasonable fees for supplying services on state park areas. Any facilities so constructed under this provision shall only be done by appropriated funds.

2. The director may award by contract to any suitable person, persons, corporation or association the right to construct, establish and operate public services, privileges, conveniences and facilities on any land, site or object under the department's control for a period not to exceed twenty-five years with a renewal option, and may supervise and regulate any and all charges and fees of operations by private enterprise for supplying services and operating facilities on state park areas.

3. All contracts awarded under this section shall be entered into upon the basis of competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts shall be let by the director at a regular meeting after public notice of the time of the letting. All bids submitted prior to the opening of the meeting shall be considered. Advertisements for bids in daily or weekly newspapers shall be made by the director. The director shall accept the bid most favorable to the state from a responsible and reputable person but may, for good cause, reject any bid.

4. The director shall not enter into a contract or a renewal for a contract as provided in subsection 2 of this section for a period in excess of ten years unless the director determines that the extended contract period is necessary to allow the contractor to make substantial capital or other improvements to the site subject to the contract and such improvements are of sufficient value to the state to necessitate the longer contract term.

5. A good and sufficient bond conditioned upon the faithful performance of the contract and compliance with this law shall be required of all contractors, except that if the contractor states he is unable to provide a bond, the contractor shall place a cash reserve in an escrow account in an amount proportional to the volume of the contractor's business on the lands controlled by the department of natural resources.

6. Any person who contracts under this section with the state shall keep true and accurate records of his receipts and disbursements arising out of the performance of the contract and shall permit the division of parks and recreation of the department of natural resources and the state director of revenue to audit them. The division of parks and recreation of the department of natural resources and the state director of revenue shall audit the receipts and disbursement of each contract once every two years and upon the expiration of the contract. For the purpose of subsection 5 of this section and this subsection, no contract shall be deemed to extend to operations or management in more than one state park.

7. No person shall be permitted to offer or advertise merchandise or other goods for sale or rental, or to maintain any concession, or use any park facilities, buildings, trails, roads or other state park property for commercial use except by written permission or concession contract with the department of natural resources; except that, the provisions of this subsection shall not apply to the normal and customary use of public roads by commercial and noncommercial organizations for the purpose of transporting persons or vehicles, including, but not limited to, canoes.

260.207. PERMIT NOT TO BE ISSUED, WHEN — NOTICE TO DEPARTMENT OF CERTAIN CRIMES, PENALTY FOR FAILURE TO NOTIFY — REINSTATEMENT, WHEN. — 1. The department of natural resources shall not issue a permit to any person for the operation of any solid waste processing facility or solid waste disposal area pursuant to sections 260.200 to 260.345 if such person has been determined to habitually violate Missouri environmental statutes, the environmental statutes of other states or federal statutes pertaining to environmental control or if such person has had three or more convictions, which convictions occurred after

August 28, 1990, and within any five-year period, within a court of the United States or of any state other than Missouri or has had two or more convictions within Missouri, after August 28, 1990, and within any five-year period, for any crimes or criminal acts, an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated under this chapter or similar laws of other states or the federal government; except that convictions for violations by entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall not be included. For the purpose of this section the term "person" shall include any business organization or entity, successor corporation, partnership or subsidiary of any business organization or entity, and the owners and officers thereof, of the entity submitting the application.

2. The director shall suspend, revoke or not renew the permit of any person with a permit to operate any solid waste processing facility or solid waste disposal area if such person has been determined by the department of natural resources to habitually violate the requirements of the Missouri environmental statutes, of the environmental statutes of other states, or of federal statutes pertaining to environmental control, or if such person has had three or more convictions in any court of the United States or of any state other than Missouri or has had two or more convictions within Missouri of crimes as specified herein, if such convictions occur after August 28, 1990, and within any five-year period.

3. Any person applying for a permit to operate any facility pursuant to sections 260.200 to 260.345 shall notify the director of any conviction for a crime which would have the effect of limiting competition. Any person holding a permit shall notify the department of any such conviction of any crime as specified herein within thirty days of the conviction. Failure to notify the director is a class [D] E felony and subject to a fine of one thousand dollars per day for each day unreported.

4. Any person who has had a permit denied, revoked or not renewed due to the provisions of this section may apply to the director for reinstatement after five years have elapsed from the time of the most recent conviction.

260.208. CONTRACTS WITH SPECIFIED PARTIES PROHIBITED, WHEN — NOTICE OF CERTAIN CONVICTIONS REQUIRED, PENALTY. — No city, county, district, authority or other political subdivision of this state shall enter into a contract or other arrangement for solid waste management services with any person who has been convicted as set out in section 260.207, which convictions occur after August 28, 1990, and within any five-year period, except that the prohibitions of this section shall not apply to any person convicted as provided in section 260.207 after five years have elapsed from the most recent conviction. Any person submitting a bid to a city, county, district, authority or other political subdivision for a contract to provide solid waste management services who, after August 28, 1990, has been convicted of crimes which have the effect of limiting competition as set out in section 260.207, shall notify the city, county, district, authority or other political subdivision of such conviction with the submission of the bid. Any person with a contract for solid waste management services with a city, county, district, authority or other political subdivision of this state who is convicted of crimes which would have the effect of limiting competition as set out in section 260.207, shall notify the city, county, district, authority or other political subdivision of such conviction within thirty days of the conviction. Failure to notify the city, county, district, authority, or other political subdivision as required in this section is a class [D] E felony and subject to a fine of one thousand dollars per day for each day unreported.

260.211. DEMOLITION WASTE, CRIMINAL DISPOSITION OF — PENALTIES — CONSPIRACY. — 1. A person commits the offense of criminal disposition of demolition waste if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste on property in this state other than in a solid

waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste is subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. Any person who purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class [C] D misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class [D] E felony.

3. The court shall order any person convicted of illegally disposing of demolition waste upon his or her own property for remuneration to clean up such waste and, if he or she fails to clean up the waste or if he or she is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

4. The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.

5. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section 564.016 if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. SOLID WASTE, CRIMINAL DISPOSITION OF — PENALTIES — CONSPIRACY. —

1. A person commits the offense of criminal disposition of solid waste if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Criminal disposition of solid waste is a class [D] E felony.

In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to clean up the waste or if he **or she** is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

3. The court may order restitution by requiring any person convicted under this section to clean up any commercial or residential solid waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up commercial or residential solid waste illegally dumped by other persons.

4. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

5. Any person shall be guilty of conspiracy as defined in section 564.016 if he knows or should have known that his **or her** agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

270.260. RELEASE OF SWINE TO LIVE IN WILD OR FERAL STATE, PENALTIES. — 1. Any person who recklessly or knowingly releases any swine to live in a wild or feral state upon any public land or private land not completely enclosed by a fence capable of containing such animals is guilty of a class A misdemeanor. Each swine so released shall be a separate offense.

2. Every person who has previously [pled guilty to or] been found guilty of violating the provisions of this section, committed on two separate occasions where such offense occurred within ten years of the date of the occurrence of the present offense and who subsequently [pleads guilty to or] is found guilty of violating this section shall be guilty of a class [D] E felony.

3. Nothing in this section shall be construed to criminalize the accidental escape of domestic swine.

276.421. FINANCIAL STATEMENT TO ACCOMPANY APPLICATION, HOW PREPARED — FALSE STATEMENT, PENALTY — MINIMUM NET WORTH AND ASSETS REQUIRED. — 1. All applications shall be accompanied by a true and accurate financial statement of the applicant, prepared within six months of the date of application, setting forth all the assets, liabilities and net worth of the applicant. In the event that the applicant has been engaged in business as a grain dealer for at least one year, the financial statement shall set forth the aggregate dollar amount paid for grain purchased in Missouri and those states with whom Missouri has entered into contracts or agreements as authorized by section 276.566 during the last completed fiscal period of the applicant. In the event the applicant has been engaged in business for less than one year or has not previously engaged in business as a grain dealer, the financial statement shall set forth the estimated aggregate dollar amount to be paid for grain purchased in Missouri and those states with whom Missouri has entered into contracts or agreements as authorized by section 276.566 during the applicant's initial fiscal period. All applications shall also be accompanied by a true and accurate statement of income and expenses for the applicant's most recently completed fiscal year. The financial statements required by this chapter shall be prepared in conformity with generally accepted accounting principles; except that the director may promulgate rules allowing for the valuation of assets by competent appraisal.

2. The financial statement required by subsection 1 of this section shall be audited or reviewed by a certified public accountant. The financial statement may not be audited or reviewed by the applicant, or an employee of the applicant, if an individual, or, if the applicant is a corporation or partnership, by an officer, shareholder, partner, or a direct employee of the applicant.

3. The director may require any additional information or verification with respect to the financial resources of the applicant as he deems necessary for the effective administration of this chapter. The director may promulgate rules setting forth minimum standards of acceptance for the various types of financial statements filed in accordance with the provisions of this chapter. The director may promulgate rules requiring a statement of retained earnings, a statement of changes in financial position, and notes and disclosures to the financial statements for all licensed grain dealers or all grain dealers required to be licensed. The additional information or verification referred to herein may include, but is not limited to, requiring that the financial statement information be reviewed or audited in accordance with standards established by the American Institute of Certified Public Accountants.

4. All grain dealers shall provide the director with a copy of all financial statements and updates to financial statements utilized to secure the bonds required by sections 276.401 to 276.582.

5. All financial statements submitted to the director for the purposes of this chapter shall be accompanied by a certification by the applicant or the chief executive officer of the applicant, subject to the penalty provision set forth in subsection 4 of section 276.536, that to the best of his **or her** knowledge and belief the financial statement accurately reflects the financial condition of the applicant for the fiscal period covered in the statement.

6. Any person who knowingly prepares or assists in the preparation of an inaccurate or false financial statement which is submitted to the director for the purposes of this chapter, or who during the course of providing bookkeeping services or in reviewing or auditing a financial statement which is submitted to the director for the purposes of this chapter, becomes aware of false information in the financial statement and does not disclose in notes accompanying the financial statements that such false information exists, or does not disassociate himself from the financial statements prior to submission, is guilty of a class [C] **D** felony. Additionally, such persons are liable for any damages incurred by sellers of grain selling to a grain dealer who is licensed or allowed to maintain his **or her** license based upon inaccuracies or falsifications contained in the financial statement.

7. Any licensed grain dealer or applicant for a grain dealer's license shall maintain a minimum net worth equal to five percent of annual grain purchases as set forth in the financial statements required by this chapter. If the dealer or applicant is deficient in meeting this net worth requirement, he **or she** must post additional bond as required in section 276.436.

8. (1) Any licensed grain dealer or applicant for a grain dealer's license shall have and maintain current assets at least equal to one hundred percent of current liabilities. The financial statement required by this chapter shall set forth positive working capital in the form of a current ratio of the total adjusted current assets to the total adjusted current liabilities of at least one to one.

(2) The director may allow applicants to offset negative working capital by increasing the grain dealer surety bond required by section 276.426 up to the total amount of negative working capital at the discretion of the director.

(3) Adjusted current assets shall be calculated by deducting from the stated current assets shown on the financial statement submitted by the applicant any current asset resulting from notes receivable from related persons, accounts receivable from related persons, stock subscriptions receivable, and any other related person receivables.

(4) A disallowed current asset shall be netted against any related liability and the net result, if an asset, shall be subtracted from the current assets.

276.536. PENALTIES — ATTORNEY GENERAL AND PROSECUTORS MAY PROSECUTE UPON COMPLAINT. — 1. Upon conviction, any person who does any of the following is guilty of a class B misdemeanor:

(1) Engaging in the business of being a grain dealer without securing a license prior to engaging in said business. If a grain dealer has been charged, and has paid, a penalty fee for operating without a license as set forth in section 276.411, the grain dealer may not be charged with a class B misdemeanor for operating without a license for the time period covered by the penalty fee;

(2) Violating any of the provisions of sections 276.401 to 276.581;

(3) Impeding, hindering, obstructing, or otherwise preventing or attempting to prevent the director, the director's designated representative, employees, or any auditor in the performance of his **or her** duty in connection with sections 276.401 to 276.581 or the regulations promulgated pursuant thereto;

(4) On the part of any person, refusing to permit inspection of his **or her** premises, books, accounts or records as provided in sections 276.401 to 276.581.

2. In case of a continuing violation, each day a violation occurs constitutes a separate and distinct offense.

3. It shall be the duty of the attorney general or each prosecuting attorney to whom any violation of sections 276.401 to 276.581 is reported to cause appropriate proceedings under this section to be instituted and prosecuted in a court of competent jurisdiction without delay. Before a violation is reported for prosecution, the director may give the grain dealer an opportunity to present his **or her** views at an informal hearing. In the event the director determines that a prosecutor to whom a violation has been reported has failed to institute appropriate proceedings, the director may make a written report of the failure to institute proceedings to the attorney general. The attorney general may investigate the circumstances which resulted in the report. If the attorney general determines additional proceedings are appropriate, he **or she** shall cause such proceedings to be instituted. When the attorney general causes such a proceeding to be instituted, he **or she** shall have all the powers and rights of the office of the prosecuting attorney to whom the violation was originally reported. Such powers and rights are restricted to the prosecution of the specific case reported.

4. A grain dealer licensed or required to be licensed under sections 276.401 to 276.581, or any officer, agent, or servant of such grain dealer who files false records, scale tickets, financial papers or accounts with the director, or who withholds records, scale tickets, financial papers or accounts from the director, or who alters records, scale tickets, financial papers or accounts in order to conceal amounts owed to sellers of grain or actual amounts of grain received and paid or not paid for or for the purpose of in any way misleading department auditors and officials is, upon conviction, guilty of a class [C] **D** felony.

5. Any duly authorized officer or employee appointed under the provisions of sections 276.401 to 276.581 who neglects his **or her** duty, or who knowingly or carelessly inspects, grades, tests, or weighs any grain improperly, conducts an inspection improperly, intentionally falsifies any inspection report, or intentionally gives false information, or who accepts any money or other valuable consideration, directly or indirectly, for any neglect of duty as such duly authorized officer or employee in the performance of his **or her** duties as such officer or employee is deemed guilty of a class B misdemeanor.

277.180. BRIBES TO VIOLATE THE LIVESTOCK MARKETING LAW — CLASS E FELONY. — 1. Any person who offers a bribe to any livestock market or sale operator or market veterinarian for the purpose of inducing such operator or veterinarian to violate the provisions of this chapter shall be guilty of a class [D] **E** felony.

2. Nothing contained in this chapter shall be construed to authorize any private cause of action, or to establish any substitute principal of a law in connection therewith.

285.306. FAILURE TO COMPLETE FORM, PENALTY. — Every employee shall complete the withholding form referred to in section 285.300. Any such employee who refuses to complete the withholding form shall be guilty of a class [D] E felony.

285.308. FALSE STATEMENT, PENALTY. — Any employee who states on the withholding form that he **or she** does not owe child support when such employee knowingly owes child support pursuant to a valid court order or administrative order is guilty of a class [D] E felony.

287.128. UNLAWFUL ACTS, PENALTIES — FRAUD OR NONCOMPLIANCE, COMPLAINT MAY BE FILED, EFFECT — FRAUD AND NONCOMPLIANCE UNIT ESTABLISHED, PURPOSE, CONFIDENTIALITY OF RECORDS — ANNUAL REPORT, CONTENTS. — 1. It shall be unlawful for any person to knowingly present or cause to be presented any false or fraudulent claim for the payment of benefits pursuant to a workers' compensation claim.

2. It shall be unlawful for any insurance company or self-insurer in this state to knowingly and intentionally refuse to comply with known and legally indisputable compensation obligations with intent to defraud.

3. It shall be unlawful for any person to:

(1) Knowingly present multiple claims for the same occurrence with intent to defraud;

(2) Knowingly assist, abet, solicit or conspire with:

(a) Any person who knowingly presents any false or fraudulent claim for the payment of benefits;

(b) Any person who knowingly presents multiple claims for the same occurrence with an intent to defraud; or

(c) Any person who purposefully prepares, makes or subscribes to any writing with the intent to present or use the same, or to allow it to be presented in support of any such claim;

(3) Knowingly make or cause to be made any false or fraudulent claim for payment of a health care benefit;

(4) Knowingly submit a claim for a health care benefit which was not used by, or on behalf of, the claimant;

(5) Knowingly present multiple claims for payment of the same health care benefit with an intent to defraud;

(6) Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit;

(7) Knowingly make or cause to be made any false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from making a legitimate claim;

(8) Knowingly make or cause to be made a false or fraudulent material statement to an investigator of the division in the course of the investigation of fraud or noncompliance.

For the purposes of subdivisions (6), (7), and (8) of this subsection, the term "statement" includes any notice, proof of injury, bill for services, payment for services, hospital or doctor records, X-ray or test results.

4. Any person violating any of the provisions of subsection 1 or 2 of this section shall be guilty of a class [D] E felony. In addition, the person shall be liable to the state of Missouri for a fine up to ten thousand dollars or double the value of the fraud whichever is greater. Any person violating any of the provisions of subsection 3 of this section shall be guilty of a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to ten thousand dollars. Any person who has previously [pled guilty to or has] been found guilty of violating any of the provisions of subsection 1, 2 or 3 of this section and who subsequently violates any of the provisions of subsection 1, 2 or 3 of this section shall be guilty of a class [C] D felony.

5. It shall be unlawful for any person, company, or other entity to prepare or provide an invalid certificate of insurance as proof of workers' compensation insurance. Any person

violating any of the provisions of this subsection shall be guilty of a class [D] E felony and, in addition, shall be liable to the state of Missouri for a fine up to ten thousand dollars or double the value of the fraud, whichever is greater.

6. Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. Any person who has previously [pled guilty to or has] been found guilty of violating any of the provisions of this section and who subsequently violates any of the provisions of this section shall be guilty of a class [D] E felony.

7. Any employer who knowingly fails to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a penalty in an amount up to three times the annual premium the employer would have paid had such employer been insured or up to fifty thousand dollars, whichever amount is greater. Any person who has previously [pled guilty to or has] been found guilty of violating any of the provisions of this section and who subsequently violates any of the provisions of this section shall be guilty of a class [D] E felony.

8. Any person may file a complaint alleging fraud or noncompliance with this chapter with a legal advisor in the division of workers' compensation. The legal advisor shall refer the complaint to the fraud and noncompliance unit within the division. The unit shall investigate all complaints and present any finding of fraud or noncompliance to the director, who may refer the file to the attorney general. The attorney general may prosecute any fraud or noncompliance associated with this chapter. All costs incurred by the attorney general associated with any investigation and prosecution pursuant to this subsection shall be paid out of the workers' compensation fund. Any fines or penalties levied and received as a result of any prosecution under this section shall be paid to the workers' compensation fund. Any restitution ordered as a part of the judgment shall be paid to the person or persons who were defrauded.

9. Any and all reports, records, tapes, photographs, and similar materials or documentation submitted by any person, including the department of insurance, financial institutions and professional registration, to the fraud and noncompliance unit or otherwise obtained by the unit pursuant to this section, used to conduct an investigation for any violation under this chapter, shall be considered confidential and not subject to the requirements of chapter 610. Nothing in this subsection prohibits the fraud and noncompliance unit from releasing records used to conduct an investigation to the local, state, or federal law enforcement authority or federal or state agency conducting an investigation, upon written request.

10. There is hereby established in the division of workers' compensation a fraud and noncompliance administrative unit responsible for investigating incidences of fraud and failure to comply with the provisions of this chapter.

11. Any prosecution for a violation of the provisions of this section or section 287.129 shall be commenced within three years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is not a party to the offense. As used in this subsection, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting attorney having jurisdiction to prosecute the action.

12. By January 1, 2006, the attorney general shall forward to the division and the members of the general assembly the first edition of an annual report of the costs of prosecuting fraud and noncompliance under this chapter. The report shall include the number of cases filed with the attorney general by county by the fraud and noncompliance unit, the number of cases prosecuted by county by the attorney general, fines and penalties levied and received, and all incidental costs.

287.129. FALSE BILLING PRACTICES OF HEALTH CARE PROVIDER, DEFINED, EFFECT — DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION, POWERS — PENALTY. — 1. A health care provider commits a fraudulent workers' compensation

insurance act if he or she knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, purported insurer, broker, or any agent thereof, any claim for payment or other benefit which involves any one or more of the following false billing practices:

(1) "Unbundling" an insurance claim by claiming a number of medical procedures were performed instead of a single comprehensive procedure;

(2) "Upcoding" a medical, hospital or rehabilitative insurance claim by claiming that a more serious or extensive procedure was performed than was actually performed;

(3) "Exploding" a medical, hospital or rehabilitative insurance claim by claiming a series of tests were performed on a single sample of blood, urine, or other bodily fluid, when actually the series of tests were part of one battery of tests; or

(4) "Duplicating" a medical, hospital or rehabilitative insurance claim made by a health care provider by resubmitting the claim through another health care provider in which the original health care provider has an ownership interest. Nothing in this section shall prohibit providers from making good faith efforts to ensure that claims for reimbursement are coded to reflect the proper diagnosis and treatment.

2. If, by its own inquiries or as a result of complaints, the department of insurance, financial institutions and professional registration has reason to believe that a person has engaged in, or is engaging in, any fraudulent workers' compensation insurance act contained in this section, it may administer oaths and affirmations, serve subpoenas ordering the attendance of witnesses or proffering of matter, and collect evidence.

3. If the matter that the department of insurance, financial institutions and professional registration seeks to obtain by request is located outside the state, the person so requested may make it available to the division or its representative to examine the matter at the place where it is located. The department may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.

4. Any person violating any of the provisions of subsection 1 of this section is guilty of a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to twenty thousand dollars. Any person who has previously [pled guilty to or has] been found guilty of violating any of the provisions of subsection 1 of this section and who subsequently violates any of the provisions of subsection 1 of this section is guilty of a class [D] E felony.

288.250. RECORDS CONFIDENTIAL — PRIVILEGED COMMUNICATIONS — VIOLATION, PENALTY. — 1. Information obtained from any employing unit or individual pursuant to the administration of this law shall be held confidential and shall not be published, further disclosed, or be open to public inspection in any manner revealing the individual's or employing unit's identity, but any claimant or employing unit or their authorized representative shall be supplied with information from the division's records to the extent necessary for the proper preparation and presentation of any claim for unemployment compensation benefits or protest of employer liability. Further, upon receipt of a written request from a claimant or his or her authorized representative, the division shall supply information previously submitted to the division by the claimant, the claimant's wage history and the claimant's benefit payment history. In addition, upon receipt of a written request from an authorized representative of an employing unit, the division shall supply information previously submitted to the division by the employing unit, and information concerning the payment of benefits from the employer's account and the unemployment compensation fund, including amounts paid to specific claimants. A state or federal official or agency may receive disclosures to the extent required by federal law. In the division's discretion, any other party may receive disclosures to the extent authorized by state and federal law. Any information obtained by the division in the administration of this law shall be privileged and no individual or type of organization shall be held liable for slander or libel on account of any such information.

2. Any person who intentionally discloses or otherwise fails to protect confidential information in violation of this section shall be guilty of a class A misdemeanor. For a second or subsequent violation, the person shall be guilty of a class [D] E felony.

288.395. FRAUD OR MISREPRESENTATION, PENALTIES. — Any person or entity perpetrating a fraud or misrepresentation under this chapter for which a penalty has not herein been specifically provided shall be guilty of a class A misdemeanor and, in addition, shall be liable to this state for a civil penalty not to exceed the value of the fraud. Any person or entity who has previously [pled guilty to or has] been found guilty of perpetrating a fraud or misrepresentation under this chapter and who subsequently violated any such provisions shall be guilty of a class [D] E felony.

301.390. POSSESSION AND SALE OF VEHICLES AND EQUIPMENT WITH ALTERED IDENTIFICATION NUMBERS PROHIBITED, PENALTIES — DUTY OF OFFICERS — PROCEDURE.

— 1. No person shall sell, or offer for sale, or shall knowingly have the custody or possession of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment on which the original manufacturer's number or other distinguishing number has been destroyed, removed, covered, altered or defaced, and no person shall sell, offer for sale, or knowingly have the custody or possession of a motor vehicle or trailer having no manufacturer's number or other original number, or distinguishing number. Every motor vehicle and trailer shall have an original manufacturer's number or other distinguishing number assigned by the manufacturer.

2. Every peace officer who has probable cause to believe and has knowledge of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, the number of which has been removed, covered, altered, destroyed or defaced, and for which no special number has been issued, shall be authorized to immediately seize and take possession of such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, and may arrest the supposed owner or custodian thereof and cause prosecution to be begun in a court of competent jurisdiction.

3. The law enforcement authority having seized it shall retain custody of the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment pending the prosecution of the person arrested. If the person arrested should be found guilty, such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment shall be transferred to the custody of the court until the fine and costs of prosecution are paid. No property shall be released from the custody of the court until a special number shall have been issued by the director of revenue on an application of the supposed owner, approved by the court.

4. In case such fine and costs not be paid within thirty days from the date of judgment, the court shall advertise and sell such motor vehicle, boat, outboard motor, vehicle part, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment in the manner provided by law for the sale of personal property under execution. The advertisement shall contain a description of the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment and a copy thereof shall be mailed to the director of revenue. The proceeds of such sale shall be applied, first, to the payment of the fine and costs of the prosecution and sale, and any sum remaining shall be paid by the court to the owner, and the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment shall not be delivered to the purchaser thereof until he shall first have secured a special number from the director of revenue, on the application of the purchaser, approved by the court.

5. If at any time while such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment remains in the custody of the court or law enforcement authority having seized it, the true owner thereof shall appear and prove to the satisfaction of the court or law enforcement authority proper ownership of and entitlement to said item, it shall be returned to the owner after he **or she** has obtained from the director of revenue a special number, on application made by the owner.

6. Violation of any provision of this section is a class [D] E felony.

301.400. REMOVAL OR DEFACING MANUFACTURER'S NUMBERS — PENALTY. — Any person who removes, covers, alters or defaces, or causes to be destroyed, removed, covered, altered or defaced, the manufacturer's number, the motor number or other distinguishing number on any motor vehicle, or number or other distinguishing number on any motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, the property of another, for any reason, shall be deemed guilty of a class [C] D felony.

301.401. SPECIAL MOBILE EQUIPMENT AND TIRES, DEFACING SERIAL NUMBER PROHIBITED — PENALTY. — 1. Any person who removes, covers, alters, or defaces, or causes to be destroyed, removed, covered, altered, or defaced, the manufacturer's serial number, the motor number or other distinguishing number on special mobile equipment or special mobile equipment tires, the property of another, for any reason, shall be deemed guilty of a class [D] E felony. Further, any person who knowingly buys, sells, receives, disposes of, conceals or has in his possession special mobile equipment or special mobile equipment tires from which the manufacturer's serial number, motor number or other distinguishing number has been removed, covered, altered, defaced or destroyed shall be deemed guilty of a class [D] E felony.

2. Every peace officer who has probable cause to believe that and has knowledge of an item of special mobile equipment on which the original manufacturer's distinguishing number has been removed, covered, altered, or defaced shall be authorized to seize immediately and to take possession of said item of special mobile equipment.

3. If at any time while such special mobile equipment remains in the custody of the law enforcement authority having seized it, the true owner thereof shall appear and prove to the satisfaction of such law enforcement authority his ownership of and entitlement to said item of special mobile equipment, it shall be returned to said owner subject to its being made available for use in any criminal prosecution under this section.

4. If, after twelve months, no person has appeared and proved he is the true owner of an item of special mobile equipment seized under this section, the court in which such prosecution was begun may advertise and sell said item of special mobile equipment under such terms as are reasonable. The proceeds of such sale shall be applied, first, to the payment of any expenses incurred in association with such sale; second, to the payment of the fine and costs of prosecution; and the balance, if any, shall be paid over to the county commission of the county in which the prosecution was begun for its application to that county's general revenues.

301.570. SALE OF SIX OR MORE MOTOR VEHICLES IN A YEAR WITHOUT LICENSE, PROHIBITED — PROSECUTING ATTORNEY, DUTIES — PENALTY, EXCEPTIONS. — 1. It shall be unlawful for any person, partnership, corporation, company or association, unless the seller is a financial institution, or is selling repossessed motor vehicles or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in a calendar year, except when such motor vehicles are registered in the name of the seller, unless such person, partnership, corporation, company or association is:

(1) Licensed as a motor vehicle dealer by the department under the provisions of sections 301.550 to 301.573;

(2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section 301.559;

(3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand five hundred pounds, but only with respect to such commercial motor vehicles;

(4) An auctioneer, acting at the request of the owner at an auction, when such auction is not a public motor vehicle auction.

2. Any person, partnership, corporation, company or association that has reason to believe that the provisions of this section are being violated shall file a complaint with the prosecuting attorney in the county in which the violation occurred. The prosecuting attorney shall investigate the complaint and take appropriate action.

3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or rental with option to purchase of six or more motor vehicles in a calendar year by any person, partnership, corporation, company or association, whether or not the motor vehicles are owned by them, shall be prima facie evidence of intent to make a profit or gain of money and such person, partnership, corporation, company or association shall be deemed to be acting as a motor vehicle dealer without a license.

4. Any person, partnership, corporation, company or association who violates subsection 1 of this section is guilty of a class A misdemeanor. A second or subsequent conviction shall be deemed a class [D] E felony.

5. The provisions of this section shall not apply to liquidation of an estate.

301.640. RELEASE OF LIENHOLDERS' RIGHTS UPON SATISFACTION OF LIEN OR ENCUMBRANCE, PROCEDURE — ISSUANCE OF NEW CERTIFICATE OF OWNERSHIP — CERTAIN LIENS DEEMED SATISFIED, WHEN — PENALTY — RULEMAKING AUTHORITY. — 1.

Within five business days after the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall release the lien or encumbrance on the certificate or a separate document, and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs.

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within five business days after any release of a lien and provide the director with the most current address of the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director.

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances".

4. Any lienholder who fails to timely comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance liquidated damages up to a maximum

of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand five hundred dollars if the lienholder does not comply within twenty business days after satisfaction of the lien or encumbrance. If delivery of the certificate or other lien release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class [C] D felony.

302.015. LICENSE CLASSIFICATION SYSTEM, DIRECTOR TO ESTABLISH — CATEGORIES. — Notwithstanding the provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), the director shall have the authority to establish a license classification system, and shall not be limited to classification of the following:

(1) Any person, other than one subject to sections 302.700 to 302.780, who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such services in wages, salary, commission or fare; or who as an owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a commercial motor vehicle of another person in the course of or as an incident to his or her employment, but whose principal occupation is not the operating of such motor vehicle, except that a school bus operator who obtains a school bus permit as provided in section 302.272 shall not be considered in this class;

(2) Any person, other than such person defined in subdivision (1) of this section who is in actual physical control of a motor vehicle;

(3) Any person, other than such person defined in subdivisions (1) and (2) of this section who is in actual physical control of a motorcycle or motortricycle.

302.020. OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED, PENALTY — MOTORCYCLES — SPECIAL LICENSE — PROTECTIVE HEADGEAR, FAILURE TO WEAR, FINE, AMOUNT — NO POINTS TO BE ASSESSED. — 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable [by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A misdemeanor**. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class [D] **E felony**. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as [defined] **described** in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been [convicted, pled guilty to

or been] found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has [pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition] **been found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person**, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section [577.023] **577.001**, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been [convicted, pled guilty to, or been] found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification technology [and global positioning system features] **feature, and a court may require a global positioning system feature for such device**. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period

or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts

as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the

license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.]

302.304. NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW — FEES FOR PROGRAM — SUPPLEMENTAL FEES. — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section

302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such

member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, **except any suspension or revocation issued under section 302.410, 302.462, or 302.574**, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. **Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.**

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section [577.023] **577.001** or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001] or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division

of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense as defined under section [577.023] **577.001**, and who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

[302.304. NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW — FEES FOR PROGRAM — SUPPLEMENTAL FEES. — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department

of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such seventy-five day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege

shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the

motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.]

302.309. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. — 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, except as provided under subdivision (8) of this subsection. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator,

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (g) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification technology [and global positioning system features] **feature, and a court may require a global positioning system feature for such device.**

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege whose license at the time of application has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of subsection 1 of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for failure to submit to a chemical test pursuant to section [577.041] **302.574** or due to a refusal to submit to a chemical test in any other state, unless such person has completed the first ninety days of such revocation and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;

(f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

(g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the

manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of [involuntary manslaughter while operating a motor vehicle in an intoxicated condition] **acting with criminal negligence while driving while intoxicated to cause the death of another person**, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.321. DRIVING WHILE LICENSE OR DRIVING PRIVILEGE IS CANCELLED, SUSPENDED OR REVOKED, PENALTY — ENHANCED PENALTY FOR REPEAT OFFENDERS — IMPRISONMENT, MANDATORY, EXCEPTION. — 1. A person commits the [crime] **offense** of driving while revoked if such person operates a motor vehicle on a highway when such person's

license or driving privilege has been cancelled, suspended, or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been cancelled, suspended, or revoked.

2. Any person convicted of driving while revoked is guilty of a misdemeanor. A first violation of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second or third violation of this section shall be punishable [by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A misdemeanor**. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class [D] **E felony**. Except upon conviction as a first offense, no court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class [D] **E felony** on the second or subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other offense. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

[577.500.] 302.400. SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES, PERSONS UNDER TWENTY-ONE YEARS OF AGE — VIOLATION OF CERTAIN LAWS — SURRENDER OF LICENSES — COURT TO FORWARD TO DIRECTOR OF REVENUE — PERIOD OF SUSPENSION. — 1. A court of competent jurisdiction shall, upon a [plea of guilty, conviction or] finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed one of the following offenses and who, at the time said offense was committed, was under twenty-one years of age:

(1) Any alcohol-related traffic offense in violation of state law or a county or[, beginning July 1, 1992,] municipal ordinance, where the defendant was represented by **an attorney** or waived the right to an attorney in writing;

(2) Any offense in violation of state law or[, beginning July 1, 1992,] a county or municipal ordinance, where the defendant was represented by **an attorney** or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor vehicle;

(3) Any offense involving the possession or use of a controlled substance as defined in chapter 195 in violation of [the] state law or[, beginning July 1, 1992,] a county or municipal ordinance, where the defendant was represented by **an attorney** or waived the right to an attorney in writing;

(4) Any offense involving the alteration, modification, or misrepresentation of a license to operate a motor vehicle in violation of section 311.328;

(5) Any **subsequent** offense in violation of state law or[, beginning July 1, 1992,] a county or municipal ordinance, where the defendant was represented by, or waived **in writing** the right to, an attorney [in writing], involving the possession or use of alcohol [for a second time]; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age.

2. A court of competent jurisdiction shall, upon a [plea of guilty or nolo contendere, conviction or] finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed a [crime or] violation of section 311.325 and who, at the time said [crime or] violation was committed, was more than fifteen years of age and under twenty-one years of age.

3. The court shall require the **person against whom a court has entered an order suspending or revoking driving privileges under subsections 1 and 2 of this section to surrender [to it of] any license to operate a motor vehicle, temporary instruction permit, intermediate driver's license, or any other driving privilege then held by [any] such person [against whom a court has entered an order suspending or revoking driving privileges under subsections 1 and 2 of this section].**

4. The court, if other than a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this section.

5. (1) **Notwithstanding chapter 211 to the contrary**, the court, if a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this section for any person sixteen years of age or older[, the provision of chapter 211 to the contrary notwithstanding].

(2) **Notwithstanding chapter 211 to the contrary**, the court, if a juvenile court, shall hold the order of suspension or revocation of driving privileges for any person less than sixteen years of age until thirty days before the person's sixteenth birthday, at which time the juvenile court shall forward to the director of revenue the order of suspension or revocation of driving privileges[, the provision of chapter 211 to the contrary notwithstanding].

6. The period of suspension for a first offense under subsection 1 of this section shall be ninety days. Any second or subsequent offense under subsection 1 of this section shall result in revocation of the offender's driving privileges for one year. The period of suspension for a first offense under subsection 2 of this section shall be thirty days. The period of suspension for a second offense under subsection 2 of this section shall be ninety days. Any third or subsequent offense under subsection 2 of this section shall result in revocation of the offender's driving privileges for one year.

[577.505.] 302.405. REVOCATION OF DRIVING PRIVILEGES, PERSONS OVER TWENTY-ONE YEARS OF AGE — POSSESSION OR USE OF DRUG IN MOTOR VEHICLE — SURRENDER OF LICENSES — COURT SHALL FORWARD ORDER TO DEPARTMENT OF REVENUE. — A court of competent jurisdiction shall enter an order revoking the driving privileges of any person determined to have violated any state, county, or municipal law involving the possession or use of a controlled substance, as defined in chapter 195, while operating a motor vehicle and who, at the time said offense was committed, was twenty-one years of age or older [when the person pleads guilty, or is convicted or found guilty of such offense by the court]. The court shall require the **person to surrender to [it of] the court** all operator's and chauffeur's licenses then held by such person. The court shall forward to the director of revenue the order of revocation of driving privileges and any licenses surrendered.

[577.510.] 302.410. DIRECTOR OF REVENUE TO SUSPEND OR REVOKE LICENSE, WHEN — HARDSHIP DRIVING PRIVILEGES MAY BE GRANTED, PROCEDURE — TEMPORARY INSTRUCTION PERMITS ALLOWED, WHEN. — 1. Upon receipt of a court order suspending or revoking the driving privileges of a person [pursuant to sections 577.500 and 577.505] **under sections 302.400 and 302.405**, the director of revenue shall suspend the driving privileges for ninety days or revoke the driving privileges of such person for a period of one year, provided however, that in the case of a person who at the time of the offense was less than sixteen years of age, the period of suspension or revocation shall commence on that person's sixteenth birthday. The provisions of **this** chapter [302] to the contrary notwithstanding, the suspension or revocation shall be imposed without further hearing. Any person whose driving privileges have been suspended or revoked [pursuant to sections 577.500 and 577.505] **under sections 302.400 and 302.405** may petition the circuit court for a hardship driving privilege and said application shall be determined and administered in the same manner as allowed in section 302.309.

2. The director of revenue shall permit the issuance of a temporary instruction permit in the same manner as allowed in subsection [2] 3 of section 302.130 to persons fifteen years of age and under seventeen years of age denied driving privileges by court order pursuant to section [577.500] **302.400**. This exception only applies to instruction permits that entitle a person to operate a motor vehicle on the highways in the presence of an authorized instructor.

[577.515.] 302.415. FAILURE TO SURRENDER LICENSES, CERTAIN LAW ENFORCEMENT OFFICER MAY SEIZE. — If a person shall neglect or refuse to surrender all operator's and chauffeur's licenses, as provided for in sections [577.500 and 577.505] **302.400 and 302.405**, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return such license or licenses to the director.

[577.520.] 302.420. LICENSE REINSTATEMENT, SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM — PROFESSIONAL ASSESSMENT — SUPPLEMENTAL FEE, DISPOSITION, FAILURE TO REMIT, PENALTY. — 1. No person who has had his **or her** license suspended or revoked under the provisions of sections [577.500 and 577.505] **302.400 and 302.405** shall have that license reinstated until he **or she** has paid a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic offender program as defined in section [577.001] **302.010**.

2. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001], or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth of each month the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065 plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the

department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action [of the collection of] **to collect** said fees and **any accrued** interest [accrued]. The court shall assess attorney fees and court costs against any delinquent program.

[577.525.] 302.425. COMPLETION OF SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM, PERSONS UNDER TWENTY-ONE YEARS OF AGE, REQUIRED, WHEN, STANDARDS BY DEPARTMENT OF MENTAL HEALTH. — Any court which has jurisdiction over violations of state, county or municipal laws shall enter an order, in addition to other orders authorized by law, requiring the completion of a substance abuse traffic offender program as defined in section **[577.001] 302.010**, as a part of the judgment entered in the case, for any person determined to have violated a state, county, or municipal law involving the possession or use of alcohol and who at the time of said offense was under twenty-one years of age when the court, if a juvenile court, finds that the offense was committed by such person or, if a city, county, or state court, when the person pleads guilty, or is found guilty of such offense by the court.

[577.530.] 302.426. DEPARTMENT OF REVENUE — RULES AND REGULATIONS. — The director of revenue shall have authority to make such rules and regulations as he **or she** deems necessary for the administration of sections **[577.500 to 577.525]**. No rule or portion of a rule promulgated under the authority of sections **577.500 to 577.530** shall become effective unless it has been promulgated pursuant to the provisions of section **536.024] 302.400 to 302.425**. **Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.**

302.440. DEVICES, USE OF, WHEN. — In addition to any other provisions of law, a court may require that any person who is found guilty of a first intoxication-related traffic offense, as defined in section **577.001**, and a court shall require that any person who is found guilty of a second or subsequent intoxication-related traffic offense, as defined in section **577.001**, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than six months from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section **302.309** to any person who is found guilty of a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege. These requirements shall be in addition to any other provisions of this chapter or chapter **577** requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section **577.599**.

[577.602.] 302.442. COST OF INTERLOCK DEVICE MAY REDUCE AMOUNT OF FINE — VEHICLES AFFECTED — PROOF OF COMPLIANCE, WHEN, REPORT — MAINTENANCE COST — CALIBRATION CHECKS. — 1. If a court imposes a fine and requires the use of an ignition interlock device for the same offense, the amount of the fine may be reduced by the cost of the ignition interlock device.

2. If the court requires the use of an ignition interlock device, it shall order the installation of the device on any vehicle which the offender operates during the period of probation or limited driving privilege.

3. If the court imposes the use of an ignition interlock device on a person having full or limited driving privileges, the court shall require the person to provide proof of compliance with the order to the court or the probation officer within thirty days of this court's order or sooner, as required by the court, in addition to any proof required to be filed with the director of revenue under the provisions of this chapter or chapter [302] 577. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered in the court record, the court shall revoke or terminate the person's probation or limited driving privilege.

4. Nothing in sections [577.600 to 577.614] 302.440 to 302.462 shall be construed to authorize a person to operate a motor vehicle whose driving privileges have been suspended or revoked, unless the person has obtained a limited driving privilege or restricted driving privilege under other provisions of law.

5. The person whose driving privilege is restricted pursuant to section [577.600] 302.440 shall report to the court or the probation officer at least once annually, or more frequently as the court may order, on the operation of each ignition interlock device in the person's vehicle or vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost of replacement of the device.

6. The court may require a person whose driving privilege is restricted under section [577.600] 302.440 to report to any officer appointed by the court in lieu of a probation officer.

7. The court shall require periodic calibration checks that are needed for the proper operation of the ignition interlock device.

[577.604.] 302.454. USE OF DEVICE SHALL BE REQUIRED, WHEN. — The court shall require the use of a certified ignition interlock device during the period of probation if the person is permitted to operate a motor vehicle, whether the privilege to operate a motor vehicle is restricted or not, as determined by the court.

[577.606.] 302.456. COURT SHALL SEND ORDER TO DEPARTMENT OF REVENUE — RECORD KEEPING REQUIRED. — The court shall send the order to the department of revenue in all cases where the driving privilege of a person is restricted pursuant to section [577.600] 302.440. The order shall contain the requirement for, and the period of, the use of a certified ignition interlock device under sections [577.600 to 577.614] 302.440 to 302.462. The records of the department of revenue shall contain a record reflecting mandatory use of the device.

[577.608.] 302.458. COMMISSION TO CERTIFY DEVICES, ADOPT GUIDELINES — CERTIFICATION INFORMATION, STANDARDS — CONSULTATION BEFORE CERTIFICATION. —

1. The department of public safety shall certify or cause to be certified ignition interlock devices required by sections [577.600 to 577.614] 302.440 to 302.462 and publish a list of approved devices.

2. The department of public safety shall adopt guidelines for the proper use of the ignition interlock devices in full compliance with sections [577.600 to 577.614] 302.440 to 302.462.

3. The department of public safety shall use information from an independent agency to certify ignition interlock devices on or off the premises of the manufacturer in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. In certifying the devices, those which do not impede the safe operation of the vehicle and which have the fewest opportunities to be bypassed so as to render the provisions of sections [577.600 to 577.614] 302.440 to 302.462 ineffective shall be certified.

4. No model of ignition interlock device shall be certified unless it meets the accuracy requirements specified by the guidelines of the department of public safety.

5. Before certifying any device, the department of public safety shall consult with the National Highway Traffic Safety Administration regarding the use of ignition interlock devices.

[577.610.] 302.460. MANUFACTURER WARNING REQUIRED. — The manufacturer shall affix to each ignition interlock device a label which shall contain a warning that any person tampering, circumventing or otherwise misusing the device is guilty of a class A misdemeanor.

[577.614.] 302.462. REVOCATION, AUTOMATIC, PERIOD — NOTIFICATION TO DEPARTMENT — REINSTATEMENT FEE — LIMITATION. — 1. In addition to any other provisions of law, upon a finding of [guilty of, or a plea of guilty to,] **guilt to** a violation of [subsection 1 of section 577.600] **section 577.599**, the department of revenue shall revoke the person's driving privilege for one year from the date of conviction.

2. In addition to any other provision of law, if a person is found guilty of[, or pleads guilty to,] a second violation of [subsection 1 of section 577.600] **section 577.599** during the same period of required use of an approved ignition interlock device, the department of revenue shall revoke the person's driving privilege for five years from the date of conviction.

3. The court shall notify the department of revenue of all guilty findings [and pleas pursuant to subsection 1 of section 577.600] **under section 577.599**.

4. The department of revenue shall charge a reinstatement fee as required by section 302.304 prior to the reinstatement of any driving privilege suspended or revoked pursuant to this section.

5. No restricted or limited driving privilege shall be issued for any person whose license is revoked pursuant to this section.

302.500. DEFINITIONS. — As used in sections 302.500 to 302.540, the following terms mean:

(1) "Alcohol concentration", the amount of alcohol in a person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine;

(2) "Department", the department of revenue of the state of Missouri;

(3) "Director", the director of the department of revenue or his **or her** authorized representative;

(4) "Driver's license" or "license", a license, permit, or privilege to drive a motor vehicle issued under or granted by the laws of this state. The term includes any temporary license or instruction permit, any nonresident operating privilege, and the privilege of any person to drive a motor vehicle whether or not the person holds a valid license;

(5) "Revocation", the termination by formal action of the department of a person's license. A revoked license is not subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the revocation period;

(6) "State", a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any province of Canada;

(7) "Suspension", the temporary withdrawal by formal action of the department of a person's license. The suspension shall be for a period specifically designated by the department pursuant to the provisions of sections 302.500 to 302.540.

302.540. REINSTATEMENT OF LICENSE — COMPLETION OF SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM A CONDITION — INDIVIDUAL ASSESSMENT, JUDICIAL REVIEW — FEES AND COST, DISTRIBUTION OF — TREATMENT DEMONSTRATION PROJECT MAY BE CREATED.

— 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court

if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section [577.023] **577.001** or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001] or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provision of section 32.065 plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

4. Court-ordered participation in a substance abuse traffic offender program, pursuant to section [577.049] **302.580**, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

5. The division of alcohol and drug abuse of the department of mental health may create a treatment demonstration project within existing appropriations and shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a "serious or repeat offender" is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistent offender as defined in section [577.023] **577.001**.

302.541. ADDITIONAL REINSTATEMENT FEE, LICENSE TO OPERATE MOTOR VEHICLE, WHEN — PROOF OF FINANCIAL RESPONSIBILITY, NOT REQUIRED, WHEN. — 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 302.410, 302.574, 577.010, or 577.012, [577.041 or 577.510,] or any county or municipal ordinance, where the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of eight-hundredths of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303 as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

302.574. TEMPORARY PERMIT ISSUED BY OFFICER, WHEN — REPORT REQUIRED, CONTENTS — REVOCATION OF LICENSE, PROCEDURE — REINSTATEMENT, WHEN — FEES — PROOF OF INTERLOCK DEVICE, WHEN — VIOLATIONS, PENALTY. — 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

- (1) That the officer has:
 - (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
- (2) That the person refused to submit to a chemical test;
- (3) Whether the officer secured the license to operate a motor vehicle of the person;
- (4) Whether the officer issued a fifteen-day temporary permit;
- (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and
- (6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident,

such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

- (1) Whether the person was arrested or stopped;
- (2) Whether the officer had:
 - (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and
- (3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section

577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of alcohol and drug abuse under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

[577.049.] 302.580. SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM, COURT MAY ORDER PARTICIPATION IN, WHEN — PROFESSIONAL ASSESSMENT — SUPPLEMENTAL FEES, DEPOSITION — FAILURE TO REMIT, PENALTY. — 1. Upon [a plea of guilty or] a finding of [guilty] **guilt** for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol- or drug-related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section [577.001] **302.010**.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001]. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and **accrued** interest [accrued]. The court shall assess attorney fees and court costs against any delinquent program.

[577.052.] 302.584. RULES, EFFECTIVE, WHEN — RULES INVALID AND VOID, WHEN. — Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536 including, but not limited to, section 536.028, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August 28, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[577.051.] 302.592. MISSOURI UNIFORM LAW ENFORCEMENT SYSTEM RECORDS, INFORMATION ENTERED BY HIGHWAY PATROL, WHEN, MADE AVAILABLE, TO WHOM — FAILURE TO FURNISH RECORDS TO PATROL, PENALTY. — 1. A record of the disposition in any court proceeding involving [a violation of any of the provisions of sections 577.005 to 577.023, or violation of county or municipal ordinances involving alcohol- or drug-related driving

offenses] **any criminal offense, infraction, or ordinance violation related to the operation of a vehicle while intoxicated or with an excessive blood alcohol content** shall be forwarded to the department of revenue, within seven days by the clerk of the court in which the proceeding was held. The records shall be forwarded by the department of revenue, within fifteen days of receipt, to the Missouri state highway patrol and shall be entered by the highway patrol in the Missouri uniform law enforcement system records. Dispositions that shall be reported are **guilty** pleas [of guilty], findings of [guilty] **guilt**, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences, sentences of confinement, and any other such dispositions that may be required under state or federal regulations. The record forwarded by the clerk shall clearly [show] **state the name of** the court, the court case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto.

2. All records received by the Missouri state highway patrol or the department of revenue under the provisions of this section shall be entered in the Missouri uniform law enforcement system records and maintained by the Missouri state highway patrol. Records placed in the Missouri uniform law enforcement system under the provisions of this section shall be made available to any law enforcement officer in this state, any prosecuting or circuit attorney in this state, or to any judge of a municipal or state court upon request.

3. [Any] A person **commits the offense of refusal to furnish records of disposition if he or she is** required [by this section] to furnish records to the Missouri state highway patrol or department of revenue [who willfully] **under this section and purposely** refuses to furnish such records [is guilty of] . **The offense of refusal to furnish records of disposition is a class [C] D misdemeanor.**

[4. Records required to be filed with the Missouri state highway patrol or the department of revenue under the provisions of sections 302.225 and 577.001 to 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to July 1, 1983.

5. Forms and procedures for filing of records with the Missouri state highway patrol or department of revenue as required in this chapter shall be promulgated by the director of the department of public safety or department of revenue, as applicable, and approved by the Missouri supreme court.

6. All record-keeping procedures required under the provisions of sections 577.005 to 577.023 shall be in accordance with this section, chapter 610 to the contrary notwithstanding.]

302.605. DRIVER LICENSE COMPACT—DEFINITIONS—APPLICABILITY OF—REPORTS TO DIRECTOR OF REVENUE, WHEN, BY WHOM. — 1. As used in the compact contained in section 302.600, the term "executive head" shall mean the governor of this state.

2. As used in the compact contained in section 302.600, the term "licensing authority" shall mean the department of revenue of this state. The director of revenue shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact contained in section 302.600.

3. The director of the department of revenue, as compact administrator provided for in Article VII of the compact contained in section 302.600, shall not be entitled to any additional compensation on account of his **or her** service as such administrator. However, he **or she** shall be entitled to expenses incurred in connection with his **or her** duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

4. Any court or other agency of this state, or any subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive or operate a motor vehicle, shall report any such action and the adjudication upon which it is based to the

director of the department of revenue in the manner and within the time prescribed by the director of the department by rule.

5. Article IV of the compact contained in section 302.600 shall apply to those offenses for which a license to drive or operate a motor vehicle may be suspended or revoked under the laws of this state, and any suspension or revocation therefor shall be governed by the provisions of law applicable to such suspension or revocation.

302.700. CITATION OF LAW — DEFINITIONS. — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) "CDL driver", a person holding or required to hold a commercial driver's license (CDL);

(4) "CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

(5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

(6) "Commercial driver's instruction permit", a commercial learner's permit issued to an individual by a state or other jurisdiction of domicile in accordance with the standards contained in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid;

(7) "Commercial driver's license (CDL)", a license issued by this state or other jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the individual to operate a class of commercial motor vehicle;

(8) "Commercial driver's license downgrade", occurs when:

(a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

(d) The state removes the commercial driver's license privilege from the driver's license;

(9) "Commercial driver's license information system (CDLIS)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(10) "Commercial motor vehicle", a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property:

(a) If the vehicle has a gross combination weight rating or gross combination weight of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle

weight rating or gross vehicle weight of more than ten thousand one pounds or more, whichever is greater;

(b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six thousand one or more pounds, whichever is greater;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.);

(11) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in schedules I through V of 21 CFR 1308, as they may be revised from time to time;

(12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

(13) "Director", the director of revenue or his authorized representative;

(14) "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license or commercial driver's instruction permit;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR 383.52 or 391;

(15) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

(16) "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

(17) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or commercial driver's instruction permit in this state;

(18) "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the Secretary or such other alcohol concentration as may be later determined by the Secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section [577.041] **302.574**, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

(19) "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), including any substance listed in schedules I through V of 21 CFR 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section [577.041] **302.574**, section 302.750, any federal or state law, or a county or municipal ordinance;

(20) "Electronic device", includes but is not limited to a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;

(21) "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(22) "Endorsement", an authorization on an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles;

(23) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (29) of this subsection;

(24) "Fatality", the death of a person as a result of a motor vehicle accident;

(25) "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(26) "Foreign", outside the fifty states of the United States and the District of Columbia;

(27) "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

(28) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

(29) "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

(30) "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

(31) "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot. All other transmissions, whether semiautomatic or automatic, will be considered automatic for the purposes of the standardized restriction code;

(33) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes,

but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(34) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR 381, Subpart C or 49 CFR 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR 391.49;

(35) "Mobile telephone", a mobile communication device that is classified as or uses any commercial mobile radio service, as defined in the regulations of the Federal Communications Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services;

(36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

(37) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in this section;

(38) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

(39) "Out-of-service order", a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service under 49 CFR 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;

(40) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

(41) "Secretary", the Secretary of Transportation of the United States;

(42) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance;

(g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle;

(h) Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle; or

(i) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the Secretary by regulation;

(43) "State", a state of the United States, including the District of Columbia;

(44) "Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached to a flatbed trailer is not considered a tank vehicle;

(45) "Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

(a) Inputting, selecting, or reading information on a global positioning system or navigation system;

(b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose that is not otherwise prohibited in this part;

(46) "United States", the fifty states and the District of Columbia.

302.705. COMMERCIAL MOTOR VEHICLE OPERATOR, ONLY ONE LICENSE — AGE REQUIREMENTS — NOTICE TO EMPLOYER AND DIRECTOR UPON CONVICTION FOR MOTOR VEHICLE VIOLATION, WHEN. — 1. No person who drives a commercial motor vehicle shall have more than one driver's license.

2. No person is eligible for a commercial driver's license who is under eighteen years of age, except any person transporting a hazardous material must be at least twenty-one years of age.

3. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this state, and who is convicted of violating any state law or county or municipal ordinance regulating the operation of motor vehicles in any other state, other than parking violations, shall notify the director in writing on a form prescribed by the director within thirty days of the date of conviction. Upon notification of such conviction the director may apply the conviction information to the driver's record. If such conviction would result in disqualification of the license under sections 302.700 to 302.780, the director shall disqualify the license in accordance with sections 302.700 to 302.780.

4. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this state, and who is convicted of violating any state law or county or municipal ordinance regulating the operation of motor vehicles in this or any other state, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

302.710. SUSPENSION, REVOCATION OR CANCELLATION OF LICENSE, NOTICE TO EMPLOYER, WHEN. — A driver whose commercial driver's license is suspended, revoked, or

canceled by any state, or who loses the privilege to drive a commercial motor vehicle in any state for any period, including being disqualified from driving a commercial motor vehicle, or who is subject to an out of service order, shall notify his **or her** employer of that fact before the end of the business day following the day the driver received notice of that fact.

302.727. DRIVING A COMMERCIAL MOTOR VEHICLE WHILE REVOKED, CRIME OF, PENALTY. — 1. A person commits the [crime] **offense** of driving a commercial motor vehicle while revoked if such person operates a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's commercial driver license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle.

2. Any person convicted of driving a commercial motor vehicle while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving a commercial motor vehicle while revoked or a county or municipal ordinance of driving a commercial motor vehicle while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving a commercial motor vehicle while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving a commercial motor vehicle while revoked or a county or municipal ordinance of driving a commercial motor vehicle while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving a commercial motor vehicle while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class [D] **E** felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he or she has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving a commercial motor vehicle while revoked is a class [D] **E** felony on the second or subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other offense.

302.745. CHEMICAL TESTS, REQUIREMENTS — IMPLIED CONSENT GIVEN, LIMITS — USE AS EVIDENCE, TEST RESULTS. — 1. All chemical tests required herein for the enforcement of sections 302.700 to 302.780 shall be conducted using the same procedures, methods, waivers of liability, persons and facilities as those described in chapter 577 except as provided in sections 302.700 to 302.780. Nothing contained in chapter 577 shall be construed to require a person to be placed under arrest prior to his **or her** being requested to submit to a chemical test under this section.

2. A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to the provisions of this section, to a chemical test or tests of his **or her** breath, blood, saliva or urine for the purpose of determining his alcohol concentration, or the presence of controlled substances in his **or her** system.

3. A test or tests may be administered for the purposes of enforcing sections 302.700 to 302.780, at the direction of a law enforcement officer, who has reason to believe that the driver was driving a commercial motor vehicle while having any amount of alcohol or controlled substances in his **or her** system.

4. The implied consent to submit to the chemical tests listed in subsection 2 of this section shall be limited to not more than two such tests arising from the same arrest, stop, incident, or charge.

5. Upon the request of a person who is tested, full information concerning the test shall be made available to him **or her**.

6. Upon the trial of any person for violation of this section or upon the trial of any criminal action or violations of county or municipal ordinances arising out of acts alleged to have been committed by any person while driving a commercial motor vehicle under the influence of alcohol or controlled substances, the amount of alcohol or controlled substance in the person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence, if otherwise admissible. Nothing contained in this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was operating a commercial motor vehicle while under the influence of alcohol or controlled substances.

302.750. REFUSAL TO CONSENT TO TEST, EFFECT — PROCEDURES — HEARING ALLOWED, WHEN. — 1. If a person refuses, upon the request of a law enforcement officer pursuant to section 302.745, to submit to any test allowed under that section, evidence of the refusal shall be admissible in any proceeding to determine whether a person was operating a commercial motor vehicle while under the influence of alcohol or controlled substances. In this event, the officer shall make a sworn report to the director that he **or she** requested a test pursuant to section 302.745 and that the person refused to submit to such testing.

2. A person requested to submit to a test as provided by section 302.745 shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in that person being immediately placed out of service for a period of twenty-four hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year if for a first refusal to submit to the test and for life if for a second or subsequent refusal to submit to the test. The director may issue rules and regulations, in accordance with guidelines established by the secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years.

3. Upon receipt of the sworn report of a law enforcement officer submitted under subsection 1 of this section, the director shall disqualify the driver from operating a commercial motor vehicle.

4. If a person has been disqualified from operating a commercial motor vehicle because of his refusal to submit to a chemical test, he **or she** may request a hearing before a court of record in the county in which the request was made. Upon his **or her** request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the officer. At the hearing the judge shall determine only:

(1) Whether or not the law enforcement officer had reasonable grounds to believe that the person was driving a commercial motor vehicle with any amount of alcohol in his **or her** system;

(2) Whether or not the person refused to submit to the test.

5. If the judge determines any issues not to be in the affirmative, he **or she** shall order the director to reinstate the privilege to operate a commercial motor vehicle.

6. Requests for review as herein provided shall go to the head of the docket of the court wherein filed.

302.755. VIOLATIONS, DISQUALIFICATION FROM DRIVING, DURATION, PENALTIES — REAPPLICATION PROCEDURE. — 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

(2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the [crimes] offenses of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

(3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

(4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;

(5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years.

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the Secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years.

4. Any person is disqualified from driving a commercial motor vehicle for life who uses a commercial or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period.

6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state.

7. Any person who is convicted of operating a commercial motor vehicle beginning at the time of issuance of the out-of-service order until its expiration is guilty of a class A misdemeanor.

8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR 383, or as amended by the Secretary.

9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in 49 CFR 383, or as amended by the Secretary.

10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years.

11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, is disqualified for a period of one hundred eighty days.

12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years.

13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations.

14. After suspending, revoking, cancelling, or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's license information system within ten days in the manner prescribed in 49 CFR 384, or as amended by the Secretary.

15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license cancelled, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

16. The director shall disqualify a driver upon receipt of notification that the Secretary has determined a driver to be an imminent hazard pursuant to 49 CFR 383.52. Due process of a disqualification determined by the Secretary pursuant to this section shall be held in accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver.

17. The director shall disqualify a commercial license holder or operator of a commercial motor vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an offense of failure to appear or pay, and such disqualification shall remain in effect until the director receives notice that the person has complied with the requirement to appear or pay.

18. The disqualification period must be in addition to any other previous periods of disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except when the major or serious violations are a result of the same incident.

302.780. UNLAWFUL ACTS, PENALTY.— 1. It shall be unlawful for a person to:

(1) Drive a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property; **or**

(2) [Drive a commercial motor vehicle while having an alcohol concentration of four one-hundredths of a percent or more as prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation; or

(3)] Drive a commercial motor vehicle while under the influence of any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time.

2. Except as otherwise provided for in sections 302.700 to 302.780, whenever the doing of anything is required or is prohibited or is declared to be unlawful, any person who shall be convicted of a violation thereof shall be guilty of a class B misdemeanor.

303.024. INSURANCE IDENTIFICATION CARDS ISSUED BY INSURER, CONTENTS — IDENTIFICATION CARDS FOR SELF-INSURED ISSUED BY DIRECTOR, CONTENTS — EXHIBITION OF CARD TO PEACE OFFICERS OR COMMERCIAL VEHICLE ENFORCEMENT OFFICERS — FAILURE TO EXHIBIT, VIOLATION OF SECTION 303.025. — 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370. Such insurance identification card may be produced in either paper or electronic format. Acceptable electronic forms include display of electronic images on a cellular phone or any other type of portable electronic device.

2. The insurance identification card shall include all of the following information:

(1) The name and address of the insurer;

(2) The name of the named insured;

(3) The policy number;

(4) The effective dates of the policy, including month, day and year;

(5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word Fleet if the insurance policy covers five or more motor vehicles; and

(6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

(1) Name of the self-insurer;

(2) The word self-insured; and

(3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, receipt, or a photocopy or an image displayed on a mobile electronic device which contains the policy information required in subsection 2 of this section shall be satisfactory evidence of insurance in lieu of an insurance identification card. The display of an image of the insurance card on a mobile electronic device shall not serve as consent for such officer, inspector, or other person to access other contents of the mobile electronic device in any manner other than to verify the image of the insurance card. As used in this section, the term "mobile electronic device" means any small handheld computing or communications device that has a display screen with a touch input or a miniature keyboard. Whenever a person presents a mobile electronic device as proof of financial responsibility to any peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector pursuant to this section, that person shall assume all liability for any damage to the mobile electronic device, except for damage willfully or maliciously caused by a peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector.

6. Any person who knowingly or intentionally produces, manufactures, sells, or otherwise distributes a fraudulent document, photocopy, or image displayed on a mobile electronic device intended to serve as an insurance identification card is guilty of a class [D] E felony. Any person who knowingly or intentionally possesses a fraudulent document or photocopy intended to serve as an insurance identification card or knowingly or intentionally uses a fraudulent image displayed on a mobile electronic device is guilty of a class B misdemeanor.

303.025. DUTY TO MAINTAIN FINANCIAL RESPONSIBILITY, RESIDENTS AND NONRESIDENTS, MISDEMEANOR PENALTY FOR FAILURE TO MAINTAIN — EXCEPTION, METHODS — COURT TO NOTIFY DEPARTMENT OF REVENUE, ADDITIONAL PUNISHMENT, RIGHT OF APPEAL. — 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial

responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.

3. Any person who violates this section is guilty of a misdemeanor. A first violation of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second or subsequent violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed fifteen days and/or a fine not to exceed [three] **five** hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points;

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, in a manner approved by the director of the department of public safety. The director shall establish procedures for the record keeping and administration of this section; or

(4) For a nonresident, suspend the nonresident's driving privileges in this state in accordance with section 303.030 and notify the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides in accordance with section 303.080.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions and professional registration from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

304.070. VIOLATION OF SECTION 304.050, PENALTY. — 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition, [beginning July 1, 2005,] the court may suspend the driver's license of any person who violates the provision of subsection 1 of section 304.050. If ordered by the court, the director shall suspend the driver's license for ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a second or subsequent offense of subsection 1 of section 304.050. Any person who violates subsection 1 of section

304.050 where such violation results in the injury of any child shall be guilty of a class [D] E felony. Any person who violates subsection 1 of section 304.050 where such violation causes the death of any child shall be guilty of a class [C] D felony.

2. Any appeal of a suspension imposed under subsection 1 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver's license. The director of revenue's entry of the court-ordered suspension on the driving record is not a decision subject to review pursuant to section 302.311. Any suspension of the driver's license ordered by the court under this section shall be in addition to any other suspension that may occur as a result of the conviction pursuant to other provisions of law.

[577.217.] 305.125. BEGINNING JANUARY 1, 2017 — REFUSAL TO SUBMIT TO TEST, EFFECT, PENALTIES. — If a person refuses upon the request of the officer to submit to a chemical test **under section 577.041**, then no test shall be given. Any refusal to submit to a test shall be an infraction which may be punished by a fine of up to one thousand dollars. The officer shall inform the person that his or her failure to submit to the test may result in a fine and administrative penalties by the Federal Aviation Administration.

[577.221.] 305.126. BEGINNING JANUARY 1, 2017 — POSITIVE TEST RESULTS, TEST REFUSALS AND CONVICTIONS OF VIOLATIONS TO BE REPORTED TO THE FEDERAL AVIATION ADMINISTRATION. — [All positive test results and test refusals] **Whenever a person operating an aircraft or acting as a flight crew member of any aircraft has a positive chemical test under chapter 577 or refuses a chemical test under section 577.041, the test result and refusal** shall be reported by law enforcement agencies to the Federal Aviation Administration. If a person pleads guilty to or is found guilty of a violation of sections [577.201 and 577.203] **577.015 and 577.016**, a report of the conviction shall be forwarded by the court in which the conviction occurred to the Federal Aviation Administration.

306.420. SATISFACTION OF LIEN OR ENCUMBRANCE, RELEASE OF, PROCEDURE — DUTIES OF LIENHOLDER AND DIRECTOR OF REVENUE — PENALTY FOR UNAUTHORIZED RELEASE OF A LIEN. — 1. Upon the satisfaction of a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft, the lienholder shall within ten days execute a release of his or her lien or encumbrance, on the certificate or separate document, and mail or deliver the certificate or separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title.

2. If the electronic certificate of title is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists, the director shall mail or deliver the certificate free of any lien to the owner.

3. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class [C] D felony.

311.315. MANUFACTURING A FALSE IDENTIFICATION, OFFENSE OF — PENALTY. — **1. A person commits the offense of manufacturing a false identification if he or she possesses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a person under the age of twenty-one for the purpose of purchasing or obtaining alcohol.**

2. The offense of manufacturing a false identification is a class A misdemeanor.

311.325. PURCHASE OR POSSESSION BY MINOR, PENALTY — CONTAINER NEED NOT BE OPENED AND CONTENTS VERIFIED, WHEN — CONSENT TO CHEMICAL TESTING DEEMED GIVEN, WHEN — BURDEN OF PROOF ON VIOLATOR TO PROVE NOT INTOXICATING LIQUOR — SECTION NOT APPLICABLE TO CERTAIN STUDENTS, REQUIREMENTS. — 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. A first violation of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second or subsequent violation of this section shall be punishable [by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A misdemeanor**. Prior [pleas of guilty and prior] findings of [guilty] **guilt** shall be pleaded and proven in the same manner as required by section 558.021. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

3. Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in section 577.001, shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this subsection shall be limited to not more than two such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

- (1) The type of test administered and the procedures followed;

- (2) The time of the collection of the blood or breath sample or urine analyzed;
 - (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - (4) The type and status of any permit which was held by the person who performed the test;
 - (5) If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument. Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.
4. The provisions of this section shall not apply to a student who:
- (1) Is eighteen years of age or older;
 - (2) Is enrolled in an accredited college or university and is a student in a culinary course;
 - (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
 - (4) Tastes a beverage under subdivision (3) of this subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university. The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

313.004. GAMING COMMISSION, ESTABLISHED, MEMBERS, APPOINTMENT — MEETINGS — POWERS, DUTIES — ASSIGNED TO DEPARTMENT OF PUBLIC SAFETY — COMPENSATION, EXPENSES — RESTRICTED ACTIVITIES — CONTRACTS, PERMISSIBLE — CRIMINAL RECORDS OF APPLICANTS OPEN TO COMMISSION. — 1. There is hereby created the "Missouri Gaming Commission" consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to

appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.100, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general or any state, federal or local agency the commission deems necessary to carry out the duties of the commission. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, the commission shall require excursion gambling boat licensees to

pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class [D] E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state.

313.040. RESTRICTIONS, PENALTIES. — The conducting of bingo is subject to the following restrictions:

(1) (a) The entire net receipts over and above the actual cost of conducting the game shall be exclusively devoted to the lawful, charitable, religious or philanthropic purposes of the organization permitted to conduct that game and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization. Any person who violates the provisions of this paragraph shall be guilty of a class [D] E felony;

(b) Proceeds from the game of bingo may not be loaned to any person, except that this provision shall not prohibit the investment of the proceeds in any licensed banking or savings institution, instrument of the United States, Missouri, or any political subdivision thereof. Any person who violates the provisions of this paragraph shall be guilty of a class C misdemeanor; and

(c) The actual cost of conducting the game shall only include the following:

a. The cost of the prizes;

b. The purchasing of the bingo cards from a licensed supplier;

c. The purchasing or leasing of the equipment used in conducting the game;

d. The lease rental on the premises in which the game is conducted to include an allocation of utility costs, if applicable, costs of providing security, including the employment of a reasonable number of security personnel at a compensation level which complies with rules and regulations promulgated by the commission and such personnel is actually present and engaged in security duties, and bookkeeping and accounting expenses;

e. The actual cost of providing reasonable janitorial services. The cost of such services shall not be above the fair market rate charged for similar services in the community where the bingo game is being conducted;

f. Subject to constitutional restrictions, if any, the fair market cost of advertising each bingo occasion. Such advertising shall be procured in accordance with the rules and regulations of the commission;

(2) No person shall participate in conducting or managing the game of bingo except a person who has been a bona fide member of the licensed organization for at least two years immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for conducting or managing the game of bingo and who volunteers the time and service necessary to conduct the game. Subject to constitutional restrictions, if any, no person shall participate in the actual operation of the game of bingo under the direction of a person conducting or managing the game of bingo, except a person who has been a bona fide member of the licensed organization for at least one year immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for operating the game of bingo and who volunteers the time and service necessary to operate the game. If any post or organization, by its national charter, has established an auxiliary organization for spouses, then members of the auxiliary organization shall be considered bona fide members of the licensed organization and members of the post or organization shall be considered bona fide members of the auxiliary organization for the purposes of this subdivision. Any person who is a duly ordained member of the clergy and any person who is a full-time employee or staff member of the licensed organization employed for at least two years by that organization in a capacity not directly related to the conducting or managing of the game of bingo, who has specific assigned duties under a definite job description with the licensed organization, and who volunteers time and assistance to the organization without compensation for such time and assistance in the conducting and managing of the game of bingo by the organization shall not be considered a paid staff person for the purposes of this subdivision. No full-time employee or staff member shall volunteer such time and assistance to more than one organization nor more than one day in any week. The commission shall establish guidelines for the determination of whether a person is a paid staff person within the meaning of this subdivision and shall specifically approve any full-time

employee or staff member of the organization before such employee or staff member may volunteer time and assistance in the conducting and managing of bingo games for any organization. The commission may suspend the approval of any employee or staff member;

(3) No person, firm, partnership or corporation shall receive any remuneration, profit or gift for participating in the management, conduct or operation of the game, including the granting or use of bingo cards without charge or at a reduced charge from the licensed organization or from any other source;

(4) The aggregate retail value of all prizes or merchandise awarded, except prizes or merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo may not exceed the amount set by the commission per regulation;

(5) The number of games may not exceed sixty-two in any one day, including regular and special games. For purposes of this subdivision, the use of a pull-tab card and progressive bingo games shall not count as one of the sixty-two games per day, as limited by this subdivision, but no pull-tab card may be used except in conjunction with one of such sixty-two games;

(6) The price paid for a single bingo card under the license may not exceed one dollar. The commission may establish by rule or regulation the number of bingo cards which may be placed on a single bingo sheet. The price for a single pull-tab card may not exceed one dollar. A licensee may not require a player to purchase more than a standard pack in order to participate in the bingo occasion;

(7) The number of bingo days conducted by a licensee under the provisions of sections 313.005 to 313.080 shall be limited to two days per week;

(8) Any person, officer or director of any firm or corporation, and any partner of any partnership renting or leasing to a licensed organization equipment or premises for use in a game shall meet all the qualifications set forth in subdivisions (1) to (5) and (8) of **subsection 1 of section 313.035** and shall not be a paid staff person of the licensee. Proof of compliance with this subdivision shall be submitted to the commission by the licensee in the manner required by the commission;

(9) Subject to constitutional restrictions, if any, an organization licensed to conduct bingo in the state of Missouri may advertise a bingo occasion or special event bingo if expenditures for advertisement do not exceed ten percent of the total amount expended from receipts of bingo conducted by the licensed organization for charitable, religious or philanthropic purposes;

(10) No person under the age of sixteen years may play or participate in the conducting of bingo. Any person under the age of sixteen years may be within the area where bingo is being played only when accompanied by his parent or guardian;

(11) No licensee shall lease premises in which it conducts bingo games from someone who is not a hall provider licensed by the commission;

(12) No licensee shall pay any consulting fees to any person for any service performed in relation to the bingo game;

(13) No licensee shall pay concession fees to any person who provides refreshments to the participants in the bingo game;

(14) No licensee shall conduct a bingo session at any time during the period between 1:00 a.m. and 7:00 a.m.;

(15) No licensee, while a bingo game is being conducted, shall knowingly permit entry to any part of the licensed premises to any person of notorious or unsavory reputation or who has an extensive police record or who has been convicted of a felony;

(16) No vending machine or any mechanized coin-operated machine may be used to sell pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;

(17) No rented or reusable bingo cards may be used to conduct any game. All games must be conducted with disposable paper bingo cards that are marked by permanent ink as prescribed by the rules and regulations of the commission, or by electronic bingo card monitoring device as approved by the commission;

(18) No licensee shall purchase or use any bingo supplies from a person who is not licensed by the state of Missouri as a bingo supplier.

313.290. TICKET OR SHARE PRICES FIXED — COUNTERFEITING PROHIBITED — PENALTY. — 1. No person shall sell a ticket or share at a price other than that fixed by rule or regulation of the commission. No person other than a licensed lottery game retailer shall sell lottery tickets or shares, but nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift. Any violation of this section is a class A misdemeanor.

2. Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be made, forged, altered or counterfeited, any state lottery ticket, or any part thereof, or who knowingly and willfully utters, publishes, passes or tenders as true, any forged, altered or counterfeited state lottery ticket is guilty of a class [C] **D** felony. Any person who with intent to defraud secures, manufactures, or causes to be secured or manufactured, or has in his possession any counterfeit state lottery ticket or device, is guilty of a class [D] **E** felony.

313.550. SUBPOENAS, PENALTY FOR REFUSAL TO TESTIFY OR PRODUCE RECORDS — PENALTY FOR FALSE TESTIMONY. — 1. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable any of them to effectually discharge its or his duties, and may administer oaths or affirmations as necessary in connection therewith. In addition, the commission shall have the authority to issue subpoenas under section 536.077 in contested cases.

2. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a class A misdemeanor.

3. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the commission, its secretary, or the stewards, upon conviction, shall be guilty of a class [D] **E** felony.

313.660. OFF-TRACK WAGERING PROHIBITED, PENALTY. — 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel system of wagering on horse racing or for a fee deliver anything of value which has been received outside of the enclosure of a race track holding a horse race licensed under sections 313.500 to 313.710 to be placed as wagers in the pari-mutuel pool within such enclosure.

2. Any individual violating the provisions of this section shall upon conviction be guilty of a class [C] **D** felony.

313.830. PROHIBITED ACTS, PENALTIES — COMMISSION TO REFER VIOLATIONS TO ATTORNEY GENERAL AND PROSECUTING ATTORNEY — VENUE FOR ACTIONS. — 1. A person is guilty of a class [D] **E** felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

(1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;

(2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or

(3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat.

3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class [D] E felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

(a) In projecting the outcome of the game;

(b) In keeping track of the cards played;

(c) In analyzing the probability of the occurrence of an event relating to the gambling game;

or

(d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;

(4) Cheats at a gambling game;

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;

(6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;

(7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;

(9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;

(10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;

(11) Uses counterfeit chips or tokens in a gambling game;

(12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;

(13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850;

(14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game; or

(15) Knowingly makes a false statement of any material fact to the commission, its agents or employees.

5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money as provided in section 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.

7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.

8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located.

317.018. COMBATIVE FIGHTING PROHIBITED — PROMOTION OR PARTICIPATION IN COMBATIVE FIGHTING, FELONY — MEDICAL PERSONNEL — EXCEPTIONS. — 1. Combative fighting is prohibited in the state of Missouri.

2. Anyone who promotes or participates in combative fighting, or anyone who serves as an agent, principal partner, publicist, vendor, producer, referee, or contractor of or for combative fighting is guilty of a class [D] E felony.

3. Any medical personnel who administers to, treats or assists any participants of combative fighting shall not be subject to the provisions of this section.

4. Nothing in section 317.001 or this section is intended to regulate, or interfere with or make illegal, traditional, sanctioned amateur or scholastic boxing, amateur or scholastic wrestling, amateur or scholastic kickboxing, or amateur or scholastic full-contact karate or amateur or scholastic mixed martial arts.

320.089. LABELING REQUIREMENT FOR PERSONAL PROTECTIVE EQUIPMENT, VIOLATION, PENALTY. — 1. No person or other legal entity shall label personal protective equipment as meeting the standards set forth in subsection 2 of section 320.088 unless such equipment does in fact meet such standards.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class [D] E felony.

320.161. PENALTY PROVISIONS. — Any person violating any provision of sections 320.106 to 320.161 is guilty of a class A misdemeanor, except that a person violating section 320.136 is guilty of a class [C] D felony.

324.1142. FALSIFICATION OF REQUIRED INFORMATION, PENALTIES. — Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class [D] E felony; and any person who violates any of the other provisions of sections 324.1100 to 324.1148 is guilty of a class A misdemeanor.

324.1148. VIOLATIONS, PENALTY. — Any person who violates sections 324.1100 to 324.1148 is guilty of a class A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is a class [D] E felony.

334.250. UNLAWFUL PRACTICE, FRAUDULENT FILING OF LICENSE OR IDENTIFICATION, PENALTIES. — 1. Any person who violates section 334.010 shall, upon conviction, be adjudged guilty of a class [C] **D** felony for each and every offense; and treating each patient is considered a separate offense.

2. Any person filing or attempting to file as his own a license of another, or forged affidavit of identification, shall be guilty of a class [C] **D** felony and upon conviction thereof shall be subjected to such fine and imprisonment as is provided by the statutes of this state for the crime of forgery.

335.096. PENALTY FOR VIOLATION. — Any person who violates any of the provisions of chapter 335 is guilty of a class [D] **E** felony and, upon conviction, shall be punished as provided by law.

338.195. VIOLATION OF LAW BY PERSON NOT LICENSED — PENALTY. — Any person, who is not licensed under this chapter, who violates any provision of sections 338.010 to 338.315 shall, upon conviction, be adjudged guilty of a class [C] **D** felony.

338.315. RECEIPT OF DRUGS FROM UNLICENSED DISTRIBUTOR OR PHARMACY, UNLAWFUL — PENALTY — PHARMACY-TO-PHARMACY TRANSFERS, LIMIT — LEGEND DRUGS, INVENTORIES AND RECORDS — RULEMAKING AUTHORITY. — 1. Except as otherwise provided by the board by rule, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class [D] **E** felony.

2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the board and do not exceed five percent of the pharmacy's total annual prescription drug sales.

3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.

4. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

338.370. PENALTIES. — Every person who violates any provision of sections 338.333, 338.337, and 338.340 shall, upon conviction thereof, be adjudged guilty of a class [C] **D** felony.

[566.265.] 351.493. PENALTIES FOR VIOLATIONS BY CORPORATIONS OR BUSINESSES. — If a corporation or other business [pleads guilty to or] is found guilty of violating section 566.203, 566.206, 566.209, **566.210, 566.211**, 566.212, 566.213, or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:

- (1) Order its dissolution or reorganization;
- (2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;
- (3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.

354.320. CORPORATE FUNDS AND SECURITIES USE FOR PRIVATE GAIN BY OFFICERS AND EMPLOYEES PROHIBITED, PENALTY. — No officer, enrollment representative or employee of any corporation subject to the provisions of sections 354.010 to 354.380, formed under the laws of this state, or doing business herein, shall, directly or indirectly, use or employ, or permit others to use or employ, any of the money, funds or securities of such corporation for private profit or gain, except for reasonable compensation for services performed and reimbursement for expenses incurred, and any such use shall, upon conviction thereof, be a class [D] E felony.

362.170. UNIMPAIRED CAPITAL, DEFINED — RESTRICTIONS ON LOANS, AND TOTAL LIABILITY TO ANY ONE PERSON. — 1. As used in this section, the term "unimpaired capital" includes common and preferred stock, capital notes, the surplus fund, undivided profits and any reserves, not subject to known charges as shown on the next preceding published report of the bank or trust company to the director of finance or obtained by the director pursuant to subsection 3 of section 361.130. For purposes of lending limitations, goodwill may comprise no more than ten percent of unimpaired capital.

2. No bank or trust company subject to the provisions of this chapter shall:

(1) Directly or indirectly, lend to any individual, partnership, corporation, limited liability company or body politic, either by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange, or other obligations of the individual, partnership, corporation, limited liability company or body politic an amount or amounts in the aggregate which will exceed the greater of: (i) twenty-five percent of the unimpaired capital of the bank or trust company, provided such bank or trust company has a composite rating of 1 or 2 under the Capital, Assets, Management, Earnings, Liquidity and Sensitivity (CAMELS) rating system of the Federal Financial Institute Examination Counsel (FFIEC); (ii) fifteen percent of the unimpaired capital of the bank or trust company if located in a city having a population of one hundred thousand or over; (iii) twenty percent of the unimpaired capital of the bank or trust company if located in a city having a population of less than one hundred thousand and over seven thousand; and (iv) twenty-five percent of the unimpaired capital of the bank or trust company if located elsewhere in the state, with the following exceptions:

(a) The restrictions in this subdivision shall not apply to:

a. Bonds or other evidences of debt of the government of the United States or its territorial and insular possessions, or of the state of Missouri, or of any city, county, town, village, or political subdivision of this state;

b. Bonds or other evidences of debt, the issuance of which is authorized under the laws of the United States, and as to which the government of the United States has guaranteed or contracted to provide funds to pay both principal and interest;

c. Bonds or other evidences of debt of any state of the United States other than the state of Missouri, or of any county, city or school district of the foreign state, which county, city, or school district shall have a population of fifty thousand or more inhabitants, and which shall not have defaulted for more than one hundred twenty days in the payment of any of its general obligation bonds or other evidences of debt, either principal or interest, for a period of ten years prior to the time of purchase of the investment and provided that the bonds or other evidences of debt shall be a direct general obligation of the county, city, or school district;

d. Loans to the extent that they are insured or covered by guaranties or by commitments or agreements to take over or purchase made by any department, bureau, board, commission, or establishment of the United States or of the state of Missouri, including any corporation, wholly owned, directly or indirectly, by the United States or of the state of Missouri, pursuant to the authority of any act of Congress or the Missouri general assembly heretofore or hereafter adopted or amended or pursuant to the authority of any executive order of the President of the United States or the governor of Missouri heretofore or hereafter made or amended under the authority of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not so agreed to be purchased or discounted is within the restrictive provisions of this section;

e. Obligations to any bank or trust company in the form of notes of any person, copartnership, association, corporation or limited liability company, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding five years from the date the obligations to the bank are entered into;

f. Loans to the extent they are secured by a segregated deposit account in the lending bank if the lending bank has obtained a perfected security interest in such account;

g. Evidences of debt which are direct obligations of, or which are guaranteed by, the Government National Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit Bank or the Federal Home Loan Mortgage Corporation, or evidences of debt which are fully collateralized by direct obligations of, and which are issued by, the Government National Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, a Federal Home Loan Bank, the Federal Farm Credit Bank or the Federal Home Loan Mortgage Corporation;

(b) The total liabilities to the bank or trust company of any individual, partnership, corporation or limited liability company may equal but not exceed thirty-five percent of the unimpaired capital of the bank or trust company; provided, that all of the total liabilities in excess of the legal loan limit of the bank or trust company as defined in this subdivision are upon paper based upon the collateral security of warehouse receipts covering agricultural products or the manufactured or processed derivatives of agricultural products in public elevators and public warehouses subject to state supervision and regulation in this state or in any other state of the United States, under the following conditions: first, that the actual market value of the property held in store and covered by the receipt shall at all times exceed by at least fifteen percent the amount loaned upon it; and second, that the property covered by the receipts shall be insured to the full market value thereof against loss by fire and lightning, the insurance policies to be issued by corporations or individuals licensed to do business by the state in which the property is located, and when the insurance has been used to the limit that it can be secured, then in corporations or with individuals licensed to do an insurance business by the state or country of their incorporation or residence; and all policies covering property on which the loan is made shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and provided further, that in arriving at the amount that may be loaned by any bank or trust company to any individual, partnership, corporation or limited liability company on elevator or warehouse receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of all other liabilities of the individual, partnership, corporation or limited liability company to the bank or trust company;

(c) In computing the total liabilities of any individual to a bank or trust company there shall be included all liabilities to the bank or trust company of any partnership of which the individual is a member, and any loans made for the individual's benefit or for the benefit of the partnership; of any partnership to a bank or trust company there shall be included all liabilities of and all loans made for the benefit of the partnership; of any corporation to a bank or trust company there shall be included all loans made for the benefit of the corporation and of any limited liability company to a bank or trust company there shall be included all loans made for the benefit of the limited liability company;

(d) The purchase or discount of drafts, or bills of exchange drawn in good faith against actually existing values, shall not be considered as money borrowed within the meaning of this section; and the purchase or discount of negotiable or nonnegotiable paper which carries the full recourse endorsements or guaranty or agreement to repurchase of the person, copartnership, association, corporation or limited liability company negotiating the same shall not be considered as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this section, provided that the files of the bank or trust company acquiring the paper contain the written certification by an officer designated for this purpose by its board of directors that the responsibility of the makers has been evaluated and the acquiring bank or trust company is relying primarily upon the makers thereof for the payment of the paper;

(e) For the purpose of this section, a loan guaranteed by an individual who does not receive the proceeds of the loan shall not be considered a loan to the guarantor;

(f) Investments in mortgage-related securities, as described in the Secondary Mortgage Market Enhancement Act of 1984, P.L. 98-440, excluding those described in subparagraph g. of paragraph (a) of subdivision (1) of this subsection, shall be subject to the restrictions of this section, provided that a bank or trust company may invest up to two times its legal loan limit in any such securities that are rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization;

(2) Nor shall any of its directors, officers, agents, or employees, directly or indirectly purchase or be interested in the purchase of any certificate of deposit, pass book, promissory note, or other evidence of debt issued by it, for less than the principal amount of the debt, without interest, for which it was issued. Every bank or trust company or person violating the provisions of this subdivision shall forfeit to the state the face value of the note or other evidence of debt so purchased;

(3) Make any loan or discount on the security of the shares of its own capital stock, or be the purchaser or holder of these shares, unless the security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition unless the time is extended by the finance director. Any bank or trust company violating any of the provisions of this subdivision shall forfeit to the state the amount of the loan or purchase;

(4) Knowingly lend, directly or indirectly, any money or property for the purpose of enabling any person to pay for or hold shares of its stock, unless the loan is made upon security having an ascertained or market value of at least fifteen percent more than the amount of the loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the state the amount of the loan;

(5) Loans or other extensions of credit to officers and directors shall be in accordance with Federal Reserve Board Regulation O (12 CFR 215.1, et seq.). Every bank or trust company or officer thereof knowingly violating the provisions of this subdivision shall, for each offense, forfeit to the state the amount of the loan or extension of credit;

(6) Invest or keep invested in the stock of any private corporation, provided however, a bank or trust company may invest in equity stock in the Federal Home Loan Bank up to twice the limit described in subdivision (1) of this subsection and except as otherwise provided in this chapter.

3. Provided, that the provisions in this section shall not be so construed as in any way to interfere with the rules and regulations of any clearinghouse association in this state in reference to the daily balances; and provided, that this section shall not apply to balances due from any correspondent subject to draft.

4. Provided, that a trust company which does not accept demand deposits shall be permitted to make loans secured by a first mortgage or deed of trust on real estate to any individual, partnership, corporation or limited liability company, and to deal and invest in the interest-bearing obligations of any state, or any city, county, town, village, or political subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

5. Any officer, director, agent, clerk, or employee of any bank or trust company who willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any individual, partnership, corporation or limited liability company or by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange or other obligation of any person, partnership, corporation or limited liability company, in excess of the amounts set out in this section, shall be deemed guilty of a class [C] D felony.

6. A trust company in existence on October 15, 1967, or a trust company incorporated thereafter which does not accept demand deposits, may invest in but shall not invest or keep

invested in the stock of any private corporation an amount in excess of fifteen percent of the capital and surplus fund of the trust company; provided, however, that this limitation shall not apply to the ownership of the capital stock of a safe deposit company as provided in section 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its stockholders of a part or all of the capital stock of one bank organized under the laws of the United States or of this state, nor to the ownership of a part or all of the capital of one corporation organized under the laws of this state for the principal purpose of receiving savings deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the payment of real estate securities, or investing in other securities in which trust companies may invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to January 1, 1915, and the prohibition for investments in this subsection shall not apply to investments otherwise provided by law other than subdivision (4) of subsection 3 of section 362.105.

7. Any bank or trust company to which the provisions of subsection 2 of this section apply may continue to make loans pursuant to the provisions of subsection 2 of this section for up to five years after the appropriate decennial census indicates that the population of the city in which such bank or trust company is located has exceeded the limits provided in subsection 2 of this section.

367.031. RECEIPT FOR PLEDGED PROPERTY — CONTENTS — DEFINITIONS — THIRD-PARTY CHARGE FOR DATABASE — ACCESS TO DATABASE INFORMATION, LIMITATIONS — ERROR IN DATA, PROCEDURE — LOSS OF PAWN TICKET, EFFECT. — 1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

- (1) The name and address of the pawnshop;
- (2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
- (3) The date of the transaction;
- (4) An identification and description of the pledged goods, including serial numbers if reasonably available;
- (5) The amount of cash advanced or credit extended to the pledgor;
- (6) The amount of the pawn service charge;
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date;
- (8) The maturity date of the pawn transaction; and
- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

2. The pawnbroker may be required, in accordance with local ordinances, to furnish appropriate law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this section, except that paper copies shall be made available for an on-site inspection upon request of any appropriate law enforcement authority.

3. As used in this section, the following terms mean: (1) "Database", a computer database established and maintained by a third party engaged in the business of establishing and maintaining one or more databases; (2) "Permitted user", persons authorized by law enforcement personnel to access the database; (3) "Reportable data", the information required to be recorded by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and the information required to be recorded by pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection 4 of section 367.040; (4) "Reporting pawnbroker", a

pawnbroker who chooses to transmit reportable data electronically to the database; (5) "Search", the accessing of a single database record.

4. The database shall provide appropriate law enforcement officials with the information contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information to facilitate the investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions.

5. The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated as requested. The database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section.

6. The third party's charge for the database shall be based on the number of permitted users. Law enforcement agencies shall be charged directly for access to the database, and the charge shall be reasonable in relation to the costs of the third party in establishing and maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall be charged any costs for the creation or utilization of the database.

7. (1) The information in the database shall only be accessible through the internet to permitted users who have provided a secure identification or access code to the database but shall allow such permitted users to access database information from any jurisdiction transmitting such information to that database. Such permitted users shall provide the database with an identifier number of a criminal action for which the identity of the pawn or purchase transaction customer is needed and a representation that the information is connected to an inquiry or to the investigation of a complaint or alleged crime involving goods delivered by that customer in that transaction. The database shall record, for each search, the identity of the permitted user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other permitted users regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to the database through the internet reportable data for each pawn and purchase transaction.

(2) Any person who gains access to information in the database through fraud or false pretenses shall be guilty of a class [C] D felony.

8. Any pawnbroker licensed under section 367.043 shall meet the following requirements:

(1) Provide all reportable data to appropriate users by transmitting it through the internet to the database;

(2) Transmit all reportable data for one business day to the database prior to the end of the following business day;

(3) Make available for on-site inspection to any appropriate law enforcement official, upon request, paper copies of any pawn or purchase transaction documents.

9. If a reporting pawnbroker or permitted user discovers any error in the reportable data, notice of such error shall be given to the database, which shall have a period of thirty days in which to correct the error. Any reporting pawnbroker experiencing a computer malfunction preventing the transmission of reportable data or receipt of search requests shall be allowed a period of at least thirty but no more than sixty days to repair such malfunction, and during such period such pawnbroker shall not be deemed to be in violation of this section if good faith efforts are made to correct the malfunction. During the periods specified in this subsection, the reporting pawnbroker and permitted user shall arrange an alternative method or methods by which the reportable data shall be made available.

10. No reporting pawnbroker shall be obligated to incur any cost, other than internet service costs, in preparing, converting, or delivering its reportable data to the database.

11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction

or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state pursuant to section 486.205 to perform notarial acts in this state.

367.045. CUSTOMER FAILURE TO REPAY PAWNBROKER WHEN NOTIFIED THAT GOODS PLEDGED OR SOLD WERE MISAPPROPRIATED, PENALTY. — 1. When the tangible personal property subject to the pawn or sales transaction has been delivered or awarded to a claimant pursuant to section 367.044, and within ten business days after a written demand for payment and notice is deposited by the pawnbroker as certified or registered mail in the United States mail and addressed to the conveying customer, the conveying customer fails to repay the pawnbroker the full amount incurred by the pawnbroker in connection with such property and the procedure described in section 367.044, the conveying customer shall have committed the crime of fraudulently pledging or selling misappropriated property.

2. Fraudulently pledging or selling property is a class B misdemeanor if the amount received by the conveying customer from the pawnbroker was less than fifty dollars. Fraudulently pledging or selling property is a class A misdemeanor if the amount received by the conveying customer from the pawnbroker was more than fifty dollars and less than one hundred fifty dollars. Fraudulently pledging or selling property is a class [C] **D** felony if the amount received by the conveying customer from the pawnbroker was one hundred fifty dollars or more.

374.210. FALSE TESTIMONY — REFUSAL TO FURNISH INFORMATION — PENALTIES. —

1. It is unlawful for any person in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, [and] or chapters 375 to 385, to:

(1) Knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385; or

(2) Make any false certificate or entry or memorandum upon any of the books or papers of any insurance company, or upon any statement or exhibit offered, filed or offered to be filed in the department, or used in the course of any examination, inquiry, or investigation under this chapter, chapter 354 and chapters 375 to 385.

2. If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the director, the director may apply to the circuit court of any county of the state or any city not within a county, or a court of another state to enforce compliance. The court may:

(1) Hold the person in contempt;

(2) Order the person to appear before the director;

(3) Order the person to testify about the matter under investigation or in question;

(4) Order the production of records;

(5) Grant injunctive relief;

(6) Impose a civil penalty of up to fifty thousand dollars for each violation; and

(7) Grant any other necessary or appropriate relief. The director may also suspend, revoke or refuse any license or certificate of authority issued by the director to any person who does not appear or refuses to testify, file a statement, produce records, or does not obey a subpoena.

3. This section does not preclude a person from applying to the circuit court of any county of the state or any city not within a county for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

4. A person is not excused from attending, testifying, filing a statement, producing a record or other evidence, or obeying a subpoena of the director under an action or proceeding instituted by the director on the grounds that the required testimony, statement, record, or other evidence, directly or indirectly, may tend to incriminate the individual or subject the individual to a criminal

fine, penalty, or forfeiture. If the person refuses to testify, file a statement, or produce a record or other evidence on the basis of the individual's privilege against self-incrimination, the director may apply to the circuit court of any county of the state or any city not within a county to compel the testimony, the filing of the statement, the production of the record, or the giving of other evidence. The testimony, record, or other evidence compelled under such an order may not be used as evidence against the person in a criminal case, except in a prosecution for perjury or contempt or otherwise failing to comply with the order.

5. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section, or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of subsection 1 of this section is a level four violation under section 374.049. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

6. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of subsection 1 of this section is a level four violation under section 374.049.

7. Any person who knowingly engages in any act, practice, omission, or course of business in violation of subsection 1 of this section is guilty of a class [D] E felony. If the offender holds a license or certificate of authority under the insurance laws of this state, the court imposing sentence shall order the department to revoke such license or certificate of authority.

8. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, may institute the appropriate criminal proceedings.

9. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.

374.216. FALSE FINANCIAL STATEMENTS, FILING OF — PENALTY. — 1. A person commits the [crime] offense of filing a false insurance statement if he prepares, makes, submits or files a financial report or statement with the department of insurance, financial institutions and professional registration with the purpose to misrepresent the financial condition of the company in whose behalf such report or statement is prepared, made, submitted or filed. The crime shall require no mental state other than that specifically provided herein.

2. The [crime] offense of filing a false insurance statement is a class [C] D felony.

374.702. LICENSE REQUIRED, RESTRICTIONS ON PRACTICE. — 1. No person shall engage in the bail bond business as a bail bond agent or a general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

2. No judge, attorney, court official, law enforcement officer, state, county, or municipal employee who is either elected or appointed shall be licensed as a bail bond agent or a general bail bond agent.

3. A licensed bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer.

4. A person licensed as an active bail bond agent shall hold the license for at least two years prior to owning or being an officer of a licensed general bail bond agent.

5. A general bail bond agent shall not engage in the bail bond business:
- (1) Without having been licensed as a general bail bond agent pursuant to sections 374.695 to 374.775; or
 - (2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695 to 374.775.
6. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business on the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative, or other administrative duties which do not require a license pursuant to sections 374.695 to 374.789.
7. Any person who is convicted of a violation of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this section is guilty of a class [D] E felony.

374.757. NOTIFICATION BY AGENT OF INTENTION TO APPREHEND — LOCAL LAW ENFORCEMENT MAY ACCOMPANY AGENT — VIOLATIONS, PENALTIES. — 1. Any agent licensed by sections 374.695 to 374.775 who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class [D] E felony for subsequent violations; and shall also be a violation of section 374.755 and may in addition be punished pursuant to that section.

2. The surety recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class [D] E felony.

374.789. PROHIBITED ACTS. — 1. A person is guilty of a class [D] E felony if he or she does not hold a valid surety recovery agent license or a bail bond license and commits any of the following acts:

- (1) Holds himself or herself out to be a licensed surety recovery agent within this state;
 - (2) Claims that he or she can render surety recovery agent services; or
 - (3) Engages in fugitive recovery in this state.
2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, unlawful apprehension, unlawful detainment, or assault, shall be liable for such damages and may be liable for punitive damages.

375.310. UNAUTHORIZED PERSONS OR CORPORATIONS ENJOINED FROM TRANSACTION OF INSURANCE BUSINESS, PENALTY. — 1. It is unlawful for any person, association of individuals, or any corporation to transact in this state any insurance business unless the person, association, or corporation is duly authorized by the director under a certificate of authority or appropriate licensure, or is an insurance company exempt from certification under section 375.786.

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially

aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of this section is a level four violation under section 374.049.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of this section is a level four violation under section 374.049.

4. Any person who knowingly engages in any act, practice, omission, or course of business in violation of this section is guilty of a class [D] E felony.

5. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, may institute the appropriate criminal proceedings.

6. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.

375.537. IMPAIRED INSURER, DEFINED — DUTY TO NOTIFY DIRECTOR — PENALTIES FOR FAILURE TO NOTIFY. — 1. As used in this section, the following terms mean:

(1) "Chief executive officer", the person, irrespective of his title, designated by the board of directors or trustees of an insurer as the person charged with the responsibility of administering and implementing the insurer's policies and procedures;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Impaired", a financial situation in which the assets of an insurer are less than the sum of the insurer's minimum required capital, minimum required surplus and all liabilities as determined in accordance with the requirements for the preparation and filing of the annual statement of an insurer;

(4) "Insurer", any insurance company or other insurer licensed to do business in this state.

2. Whenever an insurer is impaired, its chief executive officer shall immediately notify the director in writing of such impairment and shall also immediately notify in writing all of the board of directors or trustees of the insurer.

3. Any officer, director or trustee of an insurer shall notify the person serving as chief executive officer of the impairment of such insurer in the event such officer, director or trustee knows or has reason to know that the insurer is impaired.

4. Any person who knowingly or recklessly violates subsection 2 or 3 of this section shall, upon conviction thereof, be fined not more than fifty thousand dollars or be imprisoned for not more than one year, or both. Any person who knowingly does any of the following shall be guilty of a class [D] E felony:

(1) Conceals any property belonging to an insurer;

(2) Transfers or conceals in contemplation of a state insolvency proceeding his own property or property belonging to an insurer;

(3) Conceals, destroys, mutilates, alters or makes a false entry in any document which affects or relates to the property of an insurer or withholds any such document from a receiver, trustee or other officer of a court entitled to its possession;

(4) Gives, obtains or receives a thing of value for acting or forbearing to act in any court proceedings; and any such act or acts results in or contributes to an insurer's becoming impaired or insolvent.

375.720. PENALTY FOR FAILURE OR REFUSAL TO DELIVER ASSETS TO DIRECTOR. — 1. Whenever, by this chapter, or by any other law of this state, the director is authorized or required

to take possession of any of the general assets of any insurer, it is unlawful for any person or company to knowingly neglect or refuse to deliver to the director, on order or demand of the director, any books, papers, evidences of title or debt, or any property belonging to any such insurer in its, his or their possession, or under his, its or their control.

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of this section is a level three violation under section 374.049. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of this section is a level three violation under section 374.049.

4. Any person who knowingly engages in any act, practice, omission, or course of business in violation of this section is guilty of a class [C] D felony. If the offender holds a license or certificate of authority under the insurance laws of this state, the court imposing sentence shall order the director to revoke such license.

5. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, may institute the appropriate criminal proceedings.

6. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.

375.786. CERTIFICATE OF AUTHORITY REQUIRED—EXCEPTIONS—ACTS WHICH ARE DEEMED TRANSACTION OF INSURANCE BUSINESS—PENALTY FOR TRANSACTING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY. — 1. It is unlawful for any insurance company to transact insurance business in this state, as set forth in subsection 2 of this section, without a certificate of authority from the director; provided, however, that this section shall not apply to:

- (1) The lawful transaction of insurance as provided in chapter 384;
- (2) The lawful transaction of reinsurance by insurance companies;
- (3) Transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy;
- (4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses;
- (5) Transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurance company was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs;
- (6) Transactions in this state involving any policy of insurance or annuity contract issued prior to August 13, 1972;
- (7) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection

and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy;

(8) Except as provided in chapter 384, transactions in this state involving contracts of insurance issued to one or more industrial insureds; provided that nothing herein shall relieve an industrial insured from taxation imposed upon independently procured insurance. An "industrial insured" is hereby defined as an insured:

(a) Which procures the insurance of any risk or risks other than life, health and annuity contracts by use of the services of a full-time employee acting as an insurance manager or buyer or the services of an insurance producer whose services are wholly compensated by such insured and not by the insurer;

(b) Whose aggregate annual premiums for insurance excluding workers' compensation insurance premiums total at least one hundred thousand dollars; and

(c) Which has at least twenty-five full-time employees;

(9) Transactions in this state involving life insurance, health insurance or annuities provided to educational or religious or charitable institutions organized and operated without profit to any private shareholder or individual for the benefit of such institutions and individuals engaged in the service of such institutions, provided that any company issuing such contracts under this [paragraph] **subdivision** shall:

(a) File a copy of any policy or contract issued to Missouri residents with the director;

(b) File a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, with the director; and

(c) Provide, in such form as may be acceptable to the director, for the appointment of the director as its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against such company arising out of any policy or contract it has issued to, or which is currently held by, a Missouri citizen, and process so served against such company shall have the same form and validity as if served upon the company;

(10) Transactions in this state involving accident, health, personal effects, liability or any other travel or auto-related products or coverages provided or sold by a rental company after January 1, 1994, to a renter in connection with and incidental to the rental of motor vehicles.

2. Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurance company is deemed to constitute the transaction of an insurance business in this state: (The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurance company" as used in sections 375.786 to 375.790 includes all corporations, associations, partnerships and individuals engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies.)

(1) The making of or proposing to make an insurance contract;

(2) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety;

(3) The taking or receiving of any application for insurance;

(4) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof;

(5) The issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state;

(6) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurance company in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurance company in the transaction of insurance with

respect to subjects of insurance resident, located or to be performed in this state. The provisions of this subsection shall not operate to prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of such employer;

(7) The transaction of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance;

(8) The transacting or proposing to transact any insurance business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

3. (1) The failure of an insurance company transacting insurance business in this state to obtain a certificate of authority shall not impair the validity of any act or contract of such insurance company and shall not prevent such insurance company from defending any action at law or suit in equity in any court of this state, but no insurance company transacting insurance business in this state without a certificate of authority shall be permitted to maintain an action in any court of this state to enforce any right, claim or demand arising out of the transaction of such business until such insurance company shall have obtained a certificate of authority.

(2) In the event of failure of any such unauthorized insurance company to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

4. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of this section is a level four violation under section 374.049.

5. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of this section is a level four violation under section 374.049.

6. Any person who transacts insurance business without a certificate of authority, as provided in this section, is guilty of a class [C] D felony.

7. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, may institute the appropriate criminal proceedings.

8. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime in any other state statute.

375.991. FRAUDULENT INSURANCE ACT, COMMITTED, WHEN — POWERS AND DUTIES OF DEPARTMENT — PENALTIES. — 1. As used in sections 375.991 to 375.994, the term "statement" means any communication, notice statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of damages, bills for services, diagnosis, prescription, hospital or doctor records, x-rays, test results or other evidence of loss, injury or expense.

2. For the purposes of sections 375.991 to 375.994, a person commits a "fraudulent insurance act" if such person knowingly presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, purported insurer, broker, or any agent thereof, any oral or written statement including computer generated documents as part of, or in support of, an application for the issuance of, or the rating of, an insurance policy for

commercial or personal insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance, which such person knows to contain materially false information concerning any fact material thereto or if such person conceals, for the purpose of misleading another, information concerning any fact material thereto.

3. A "fraudulent insurance act" shall also include but not be limited to knowingly filing false insurance claims with an insurer, health services corporation, or health maintenance organization by engaging in any one or more of the following false billing practices:

(1) "Unbundling", an insurance claim by claiming a number of medical procedures were performed instead of a single comprehensive procedure;

(2) "Upcoding", an insurance claim by claiming that a more serious or extensive procedure was performed than was actually performed;

(3) "Exploding", an insurance claim by claiming a series of tests was performed on a single sample of blood, urine, or other bodily fluid, when actually the series of tests was part of one battery of tests; or

(4) "Duplicating", a medical, hospital or rehabilitative insurance claim made by a health care provider by resubmitting the claim through another health care provider in which the original health care provider has an ownership interest.

Nothing in sections 375.991 to 375.994 shall prohibit providers from making good faith efforts to ensure that claims for reimbursement are coded to reflect the proper diagnosis and treatment.

4. If, by its own inquiries or as a result of complaints, the department of insurance, financial institutions and professional registration has reason to believe that a person has engaged in, or is engaging in, any fraudulent insurance act or has violated any provision of chapters 375 to 385, it may administer oaths and affirmations, serve subpoenas ordering the attendance of witnesses or proffering of matter, and collect evidence. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney or circuit attorney who may, with or without such reference, initiate the appropriate criminal proceedings.

5. If the matter that the department of insurance, financial institutions and professional registration seeks to obtain by request is located outside the state, the person so requested may make it available to the department or its representative to examine the matter at the place where it is located. The department may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.

6. A fraudulent insurance act for a first offense is a class [D] E felony. Any person who [pleads guilty to or] is found guilty of a fraudulent insurance act who has previously [pled guilty to or has] been found guilty of a fraudulent insurance act shall be guilty of a class [C] D felony.

7. Any person who pleads guilty or is found guilty of a fraudulent insurance act shall be ordered by the court to make restitution to any person or insurer for any financial loss sustained as a result of such violation. The court shall determine the extent and method of restitution.

8. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime by any other state statute.

375.1176. DIRECTOR TO BE LIQUIDATOR — POWERS AND DUTIES — SPECIAL DEPUTY MAY BE APPOINTED, POWERS — EFFECT OF LIQUIDATION — ORDER FOR, ISSUED WHEN — PLAN FOR CONTINUED OPERATION DURING APPEAL, CONTENTS — PENALTY FOR INTERFERENCE WITH RECORDS OR PROPERTY. — 1. An order to liquidate the business of a domestic insurer shall appoint the director and his successors as liquidator and shall direct the liquidator forthwith to take immediate possession of the assets of the insurer and to administer them subject to the supervision of the court until the liquidator is discharged by the court. The liquidation of any insurer shall be considered to be the business of insurance for purposes of application of any law of this state. The liquidator shall be vested by operation of law with the title to all of the property, contracts and rights of action, and all of the books and records of the

insurer ordered liquidated, wherever located, as of the entry of the order of liquidation. The order shall require the liquidator to take immediate possession of and to secure all of the records and property of the insurer wherever it is located, and to take all measures necessary to preserve the integrity of the insurer's records. The filing or recording of the order with the clerk of the court and the recorder of deeds of the county in which its principal office or place of business is located or, in the case of real estate, with the recorder of deeds of the county where the property is located, shall impart the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that recorder of deeds would have imparted.

2. With the approval of the court, the director as liquidator may appoint a special deputy or deputies to act for him under sections 375.1175 to 375.1230. The special deputy shall not be an employee of the department of insurance, financial institutions and professional registration. The special deputy shall have all powers of the liquidator granted by sections 375.1175 to 375.1230. The special deputy shall administer and liquidate the insolvent insurer subject to the general supervision of the director and the specific supervision of the court as provided in sections 375.1175 to 375.1230.

3. Upon issuance of the order of liquidation, the rights and liabilities of any such insurer and of its creditors, policyholders, shareholders, members and any other persons interested in its estate shall become fixed and the termination of any period fixed by any statute of limitations provided by law shall be suspended as of the date of entry of the order of liquidation, except as provided in sections 375.1178, 375.1206 and 375.1210. Rights of shareholders provided by any law other than as provided by sections 375.1150 to 375.1246 shall be suspended upon issuance of the order of liquidation.

4. An order to liquidate the business of an alien insurer domiciled in this state shall be in the same terms and have the same legal effect as an order to liquidate a domestic insurer, except that the assets and the business in the United States shall be the only assets and business included therein.

5. At the time of petitioning for an order of liquidation, or at any time thereafter, the director, after making determination of an insurer's insolvency, may petition the court for a judicial declaration of such insolvency. After providing such notice and hearing as it deems proper, the court may make the declaration.

6. (1) Any order issued under this section shall require periodic financial reports to the court by the liquidator. Financial reports shall include, at a minimum, the assets and liabilities of the insurer and all funds received or disbursed by the liquidator during the current period. Financial reports shall be filed within one year of the liquidation order and at least annually thereafter.

(2) After an order of liquidation has been entered, the liquidator of such insurer shall file with the director a statement which shall reflect the claims reserves, including losses incurred but not reported, and unearned premium reserves which have been established by the liquidator and which shall also set forth the amounts of such reserves that are allocable to particular reinsurers of the insolvent company. A similar statement shall be filed by each liquidator not less frequently than annually and shall be considered for all intents and purposes as the annual statement which was required to be filed by the insurer with the director prior to the liquidation proceedings. To the extent that any reinsurer of an insurer in liquidation would have been required under any agreement pertaining to reinsurance to post letters of credit or other security prior to an order of liquidation to cover such reserves reflected upon a statement filed with a regulatory authority, such reinsurer shall be required to post letters of credit or other security to cover such reserves after an insurer has been placed in liquidation. If a reinsurer shall fail to post letters of credit or other security required by a reinsurance agreement or the provisions of this section, the director may issue an order barring such reinsurer from thereafter reinsuring any insurer which is incorporated under the laws of the state of Missouri.

7. (1) Within five days after the initiation of an appeal of an order of liquidation, the liquidator shall present for the court's approval a plan for the continued performance of the

defendant company's policy claims obligations, including the duty to defend insureds under liability insurance policies, during the pendency of an appeal. Such plan shall provide for the continued performance and payment of policy claims obligations in the normal course of events, notwithstanding the grounds alleged in support of the order of liquidation including the ground of insolvency. In the event the defendant company's financial condition, in the judgment of the liquidator, will not support the full performance of all policy claims obligations during the appeal pendency period, the plan may prefer the claims of certain policyholders and claimants over creditors and interested parties as well as other policyholders and claimants, as the liquidator finds to be fair and equitable considering the relative circumstances of such policyholders and claimants. The court shall examine the plan submitted by the liquidator and if it finds the plan to be in the best interests of the parties, the court shall approve the plan. No action shall lie against the liquidator or any of his deputies, agents, clerks, assistants or attorneys by any party based on preference in an appeal pendency plan approved by the court.

(2) The appeal pendency plan shall not supersede or affect the obligations of any insurance guaranty association.

(3) Any such plans shall provide for equitable adjustments to be made by the liquidator to any distributions of assets to guaranty associations, in the event that the liquidator pays claims from assets of the estate, which would otherwise be the obligations of any particular guaranty association but for the appeal of the order of liquidation, such that all guaranty associations equally benefit on a pro rata basis from the assets of the estate. Further, in the event an order of liquidation is set aside upon any appeal, the company shall not be released from delinquency proceedings unless and until all funds advanced by any guaranty association, including reasonable allocated loss adjustment expenses in connection therewith relating to obligations of the company, shall be repaid in full, together with interest at the judgment rate of interest or unless an arrangement for repayment thereof has been made with the consent of all applicable guaranty associations.

8. Any person who shall knowingly destroy, conceal, convert or alter any records or property of an insurer after entry of an order of liquidation, without having received prior written permission of the liquidator or of the court, or who shall knowingly neglect or refuse, upon the order or demand of the liquidator, to deliver to the liquidator any records or property of an insurer in his possession or control, shall be guilty of a class [C] D felony.

375.1287. NOTICE OF TRANSFER, FORM, CONTENTS, FILING WITH DIRECTOR, WHEN — PRIOR APPROVAL REQUIRED, PERIOD FOR APPROVAL, FACTORS FOR DIRECTOR TO CONSIDER IN REVIEWING REQUEST — PENALTY FOR VIOLATION. — 1. A notice of transfer regarding an assumption reinsurance agreement shall be provided to the policyholders of a transferring insurer in the following manner:

(1) The transferring insurer shall provide or cause to be provided to each policyholder a notice of transfer by first class mail, addressed to the policyholder's last known address or to the address to which premium notices or other policy documents are sent or, with respect to home service business, by personal delivery with acknowledged receipt. A notice of transfer shall also be sent to the transferring insurer's agents and brokers of record on the affected policies;

(2) The notice of transfer shall state or provide:

(a) The date on which the transfer and novation of the policyholder's contract of insurance is proposed to take place;

(b) The name and addresses and telephone numbers of the transferring insurer and assuming insurer;

(c) That the policyholder has the right to either consent to or reject the transfer and novation;

(d) The procedures and time limit for consenting to or rejecting the transfer and novation;

(e) A summary of any effect that consenting to or rejecting the transfer and novation will have on the policyholder's rights;

(f) A statement that the assuming insurer is licensed to write the type of business being assumed in the state where the policyholder resides, or is otherwise authorized, as provided herein, to assume such business;

(g) The name and address of the person at the transferring insurer to whom the policyholder should send its written statement of acceptance or rejection of the transfer and novation;

(h) The address and phone number of the insurance department where the policyholder resides so that the policyholder may write or call its insurance department for further information regarding the financial condition of the assuming insurer; and

(i) The following financial data for both companies:

a. Ratings for the last five years if available or for such lesser period as is available from two nationally recognized insurance rating services acceptable to the director including the rating service's explanation of the rating's meaning. If ratings are unavailable for any year of the five-year period, this shall also be disclosed;

b. A balance sheet as of December thirty-first for the previous three years if available or for such lesser period as is available and as of the date of the most recent quarterly statement;

c. A copy of the management's discussion and analysis that was filed as a supplement to the previous year's annual statement; and

d. An explanation of the reason for the transfer;

(3) Notice in a form identical or substantially similar to the following, or as specified by the director of the department of insurance, financial institutions and professional registration by regulation, shall be deemed to comply with the requirements of this subsection:

(FIRST, SECOND OR THIRD AND FINAL)

NOTICE OF TRANSFER

IMPORTANT: THIS NOTICE AFFECTS YOUR CONTRACT RIGHTS. PLEASE

READ IT CAREFULLY.

TRANSFER OF POLICY

The (name of assuming insurance company) has agreed to replace us as your insurer under (insert policy/certificate name and number) effective (insert date). The (assuming insurance company's) principal place of business is (insert address) and certain financial information concerning both companies are attached, including: (1) ratings for the last five years if available or for such lesser period as is available from two nationally recognized insurance rating services; (2) balance sheets for the previous three years if available or for such lesser period as is available and as of a date no later than ninety days prior to the current date; (3) a copy of the management's discussion and analysis that was filed as a supplement to the previous year's annual statement; and (4) an explanation of the reason for the transfer. You may obtain additional information concerning (name of assuming insurance company) from reference materials in your local library or by contacting your state insurance director at (insert address). The (name of assuming insurance company) is licensed to write this coverage in your state.

Your Rights

You may choose to accept or reject the transfer of your policy to (name of assuming insurance company). If you want your policy transferred, you must notify us in writing immediately by signing and returning the enclosed preaddressed, postage-paid or by writing to us at: (Insert name, address and facsimile number of contact person.) Payment of your premiums to the assuming company will also constitute acceptance of the transaction. However, a method will be provided to allow you to pay the premium while reserving the right to reject the transfer. If you reject the transfer, you may keep your policy with us or exercise any option under your policy. If we do not receive a written rejection from you within thirty months of our first notice of transfer, (insert date of initial mailing), you will, as a matter of law, have consented to the transfer. However, before this consent is final, you will be provided a second notice, twelve months after our first notice, and a third and final notice, twenty-four months after our first notice.

After the third and final notice is provided, you will have only six months to reply. If you have paid your premium to (the assuming insurance company) without reserving your right to reject the transfer, you will not receive a subsequent notice.

Effect of Transfer

If you accept this transfer, (name of assuming insurance company) will be your insurer. It will have direct responsibility to you for the payment of all claims, benefits and for all other policy obligations. We will no longer have any obligations to you. If you accept this transfer, you should make all premium payments and claims submissions to (name of assuming insurance company) and direct all questions to (name of assuming insurance company). If you have any further questions about this agreement, you may contact (name of transferring insurance company) or (name of assuming insurance company).

(Name of Transferring Insurance Company Address Telephone Number)	Sincerely..... (Name of Assuming Insurance Company Address Telephone Number)
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For your convenience, we have enclosed a preaddressed postage-paid response card. Please take time now to read the enclosed notice and complete and return the response card to us.

(Notice Date)

RESPONSE CARD

..... Yes, I accept the transfer of my policy from (name of transferring company) to (name of assuming company).

..... No, I reject the proposed transfer of my policy from (name of transferring company) to (name of assuming company) and wish to retain my policy with (name of transferring company).

(Date)

(Signature)

Name:

Street Address:

City, State, Zip:

(4) The notice to transfer shall include a preaddressed, postage-paid response card which a policyholder may return as its written statement of acceptance or rejection of the transfer and novation;

(5) The notice of transfer proposed to be used shall be filed as part of the prior approval requirement set forth below in subdivision (1) of subsection 2 of this section.

2. (1) Prior approval by the director is required for any transaction where an insurer domiciled in this state assumes or transfers obligations or risks on contracts of insurance under an assumption reinsurance agreement. No insurer licensed in this state shall transfer obligations or risks on contracts of insurance owned by policyholders residing in this state to any insurer that is not licensed in this state. An insurer domiciled in this state shall not assume obligations or risks on contracts of insurance owned by policyholders residing in any other state unless it is licensed in the other state, or the insurance regulatory official of that state has approved such assumption in writing;

(2) Any licensed foreign insurer that enters into an assumption reinsurance agreement, which transfers the obligations or risks on contracts of insurance owned by policyholders residing in this state, shall file or cause to be filed the assumption certificate with the director of the department of insurance, financial institutions and professional registration of this state, a

copy of the notice of transfer, and an affidavit that the transaction is subject to substantially similar requirements in the state of domicile of both the transferring and assuming insurer;

(3) Any licensed foreign insurer that enters into an assumption reinsurance agreement, which transfers the obligations or risks on contracts of insurance owned by policyholders residing in this state, shall obtain the prior approval of the director of the department of insurance, financial institutions and professional registration of this state and shall be subject to all other requirements of sections 375.1280 to 375.1295 unless the transferring and assuming insurers are subject to assumption reinsurance requirements adopted by statute or regulation in the jurisdiction of their domicile which are substantially similar to sections 375.1280 to 375.1295;

(4) No insurer required to receive approval of assumption reinsurance transactions under this section shall enter into an assumption reinsurance transaction until:

(a) Thirty days after the director has received a request for approval and has not within such period disapproved such transaction; or

(b) The director shall have approved the transaction within the thirty-day period;

(5) The following factors, along with such other factors as the director deems appropriate under the circumstances, shall be considered by the director in reviewing the request for approval:

(a) The financial condition of the transferring and assuming insurer and the effect the transaction will have on the financial condition of each company;

(b) The competence, experience and integrity of those persons who control the operation of the assuming insurer;

(c) The plans or proposals the assuming party has with respect to the administration of the policies subject to the proposed transfer;

(d) Whether the transfer is fair and reasonable to the policyholders of both companies;

(e) Whether the notice of transfer to be provided by the insurer is fair, adequate and not misleading; and

(f) Whether the transfer lessens competition or restrains trade.

3. Any officer, director or stockholder of any insurer violating or consenting to the violation of any provision of subsection 2 of this section is guilty of a class [D] E felony.

380.391. MISUSE OF COMPANY ASSETS FOR PRIVATE GAIN, PENALTY. — 1. It is unlawful for any officer, director, member, agent or employee of any company operating under the provisions of sections 380.201 to 380.611 to directly or indirectly use or employ, or permit others to use or employ, any of the money, funds or securities of the company for private profit or gain.

2. Any person who willfully engages in any act, practice, omission, or course of business in violation of this section is guilty of a class [D] E felony.

3. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, may institute the appropriate criminal proceedings.

4. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime in any other state statute.

382.275. FALSE REPORTS, FILING OF, PENALTY. — Any officer, director, or employee of an insurance holding company system who knowingly subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the director in the performance of his duties under this chapter, upon conviction thereof, shall be guilty of a class [D] E felony. Any fines imposed shall be paid by the officer, director, or employee in his individual capacity.

389.653. TRESPASS TO RAILROAD PROPERTY, PENALTIES. — 1. [Any person who commits the following acts shall be deemed guilty of a "trespass to railroad property"] **A person commits the offense of trespass to railroad property if such person:**

(1) [Throwing] **Throws** an object at a railroad train or rail-mounted work equipment; or
(2) Maliciously or wantonly [causing] **causes** in any manner the derailment of a railroad train, railroad car or rail-mounted work equipment.

2. [Any person committing a] **The offense of** trespass to railroad property [pursuant to this section shall be deemed guilty of] **is** a class A misdemeanor[.].

3. Notwithstanding subsection 2 of this section, any person committing a trespass to railroad property pursuant to this section resulting] **unless the trespass results** in the damage or destruction of railroad property in an amount exceeding one thousand five hundred dollars [or resulting] , **results** in the injury or death of any person [shall be deemed guilty of a class D felony].

4. Notwithstanding subsection 2 of this section, any person] , **or the person** committing [a trespass to railroad property pursuant to this section who] **the offense** discharges a firearm or a weapon at a railroad train or rail-mounted work equipment [shall be deemed guilty of] , **in which case it is** a class [D] E felony.

[5.] 3. Nothing in this section shall be construed to interfere with either the lawful use of a public or private railroad crossing, or as limiting a representative of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided by the Railway Labor Act.

[6.] 4. As used in this section, "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or any other property owned, leased, operated or possessed by a railroad.

407.020. UNLAWFUL PRACTICES, PENALTY — EXCEPTIONS. — 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in this section shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) Any institution, company, or entity that is subject to chartering, licensing, or regulation by the director of the department of insurance, financial institutions and professional registration under chapter 354 or chapters 374 to 385, the director of the division of credit unions under chapter 370, or director of the division of finance under chapters 361 to 369, or chapter 371, unless such directors specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class [D] E felony.

4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall

have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, except a facility which is a residential care facility or an assisted living facility, as defined in section 198.006, which makes, either orally or in writing, representation to residents, prospective residents, their families or representatives regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court.

407.095. ORDER BY ATTORNEY GENERAL PROHIBITING UNLAWFUL ACTS — PROCEDURE — EXPIRATION OF ORDER — PENALTY FOR VIOLATION. — 1. Whenever it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any method, act, use, practice or solicitation declared to be unlawful by any provision of this chapter, he may issue and cause to be served upon such person, and any other person or persons concerned with or who, in any way, have participated, are participating or are about to participate in such unlawful method, act, use, practice or solicitation, an order prohibiting such person or persons from engaging or continuing to engage in such unlawful method, act, use, practice or solicitation. Such order shall not be issued until the attorney general has notified each person who will be subject to such order of the statutory section which such person is alleged to have violated, be violating or be about to violate, and the nature of the method, act, use, practice or solicitation which is the basis of such alleged violation. The person to whom such notice is given shall have two business days from the receipt of such notice to file an answer to such notice with the attorney general before the order authorized by this subsection may be issued.

2. All orders issued by the attorney general under subsection 1 of this section shall be signed by the attorney general or, in the event of his absence, his duly authorized representative, and shall be served in the manner provided in section 407.040, for the service of civil investigative demands and shall expire of their own force ten days after being served.

3. Any person who has been duly served with an order issued under subsection 1 of this section and who willfully and knowingly violates any provision of such order while such order remains in effect, either as originally issued or as modified, is guilty of a class [D] E felony. The attorney general shall have original jurisdiction to commence all criminal actions necessary to enforce this section.

407.420. PENALTY — DUTY TO ENFORCE — JURISDICTION OF ATTORNEY GENERAL. — Any person willfully violating any of the provisions of section 407.405 is guilty of a class [D] E felony. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

407.436. PENALTIES. — 1. Any person who willfully and knowingly, and with the intent to defraud, engages in any practice declared to be an unlawful practice in sections 407.430 to 407.436 of this credit user protection law shall be guilty of a class [D] E felony.

2. The violation of any provision of sections 407.430 to 407.436 of this credit user protection law constitutes an unlawful practice pursuant to sections 407.010 to 407.130, and the

violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking authority as provided in section 407.145.

407.516. ODOMETER FRAUD, FIRST DEGREE, PENALTY. — 1. A person commits the [crime] offense of odometer fraud in the first degree if he **or she** advertises for sale, sells, installs or has installed any device which causes an odometer to register any mileage other than the true mileage driven.

2. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

3. Odometer fraud in the first degree is a class A misdemeanor.

407.521. ODOMETER FRAUD, SECOND DEGREE, PENALTY. — 1. A person commits the [crime] offense of odometer fraud in the second degree if he **or she**, with the intent to defraud disconnects, resets, or alters the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

2. The disconnection, resetting, or altering of any odometer while in the possession of the person shall be prima facie evidence of intent to defraud.

3. Odometer fraud in the second degree is a class [D] E felony.

407.536. ODOMETER MILEAGE TO BE SHOWN ON TITLE, WHEN — INCORRECT MILEAGE ON ODOMETER, PROCEDURE — DUTIES OF DIRECTOR OF REVENUE — LIENS ON MOTOR VEHICLE, RELEASE OF, STATEMENT NOT REQUIRED — PENALTIES. — 1. Any person transferring ownership of a motor vehicle previously titled in this or any other state shall do so by assignment of title and shall place the mileage registered on the odometer at the time of transfer above the signature of the transferor. The signature of the transferor below the mileage shall constitute an odometer mileage statement. The transferee shall sign such odometer mileage statement before an application for certificate of ownership may be made. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a part of the permanent record of the motor vehicle with the Missouri department of revenue. The department of revenue shall place on all new titles issued after September 28, 1977, a box titled "mileage at the time of transfer".

2. Any person transferring the ownership of a motor vehicle previously untitled in this or any other state to another person shall give an odometer mileage statement to the transferee. The statement shall include above the signature of the transferor and transferee the cumulative mileage registered on the odometer at the time of transfer. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a permanent part of the records of the Missouri department of revenue.

3. If, upon receiving an application for registration or for a certificate of ownership of a motor vehicle, the director of revenue has credible evidence that the odometer reading provided by a transferor is materially inaccurate, he may place an asterisk on the face of the title document issued by the Missouri department of revenue, provided that the process required thereby does not interfere with his obligations under subdivision (2) of subsection 3 of section 301.190. The asterisk shall refer to a statement on the face and at the bottom of the title document which shall read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy." Nothing in this section shall prevent any person from challenging the determination

by the director of revenue in the circuit courts of the state of Missouri. The burden of proof shall be on the director of the department of revenue in all such proceedings.

4. The mileage disclosed by the odometer mileage statement for a new or used motor vehicle as described in subsections 1 and 2 of this section shall be placed by the transferor on any title or document evidencing ownership. Additional statements shall be placed on the title document as follows:

(1) If the transferor states that to the best of his knowledge the mileage disclosed is the actual mileage of the motor vehicle, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and bottom of the title document which shall read as follows: "Actual Mileage".

(2) Where the transferor has submitted an explanation why this mileage is incorrect, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and at the bottom of the title document which shall read as follows: "This is not the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy." Further wording shall be included as follows:

(a) If the transferor states that the odometer reflects the amount of mileage in excess of the designed mechanical odometer limit, the above statement on the face of the title document shall be followed by the words: "Mileage exceeds the mechanical limits";

(b) If the transferor states that the odometer reading differs from the mileage and that the difference is greater than that caused by odometer calibration error and the odometer reading does not reflect the actual mileage and should not be relied upon, the above statement on the face of the title document shall be preceded by the words: "Warning Odometer Discrepancy".

5. The department of revenue shall notify all motor vehicle ownership transferees of the civil and criminal penalties involving odometer fraud.

6. Any person defacing or obscuring or otherwise falsifying any odometer reading on any document required by this section shall be guilty of a class [D] E felony.

7. The granting or creation of a security interest or lien shall not be considered a change of ownership for the purpose of this section, and the grantor of such lien or security interest shall not be required to make an odometer mileage statement. The release of a lien by a mortgage holder shall not be considered a change of ownership of the motor vehicle for the purposes of this section. The mortgage holder or lienholder shall not be required to make an odometer disclosure statement or state the current odometer setting at the time of the release of the lien where there is no change of ownership.

8. For the purposes of the mileage disclosure requirements of this section, if a certificate of ownership is held by a lienholder, if the transferor makes application for a duplicate certificate of ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost Savings Act and related federal regulations, the transferor may execute a written power of attorney authorizing a transfer of ownership. The person granted such power of attorney shall restate exactly on the assignment of title the actual mileage disclosed at the time of transfer. The power of attorney shall accompany the certificate of ownership and the original power of attorney and a copy of the certificate of ownership shall be returned to the issuing state in the manner prescribed by the director of revenue, unless otherwise provided by federal law, rule or regulation. The department of revenue may prescribe a secure document for use in executing a written power of attorney. The department shall collect a fee for each form issued, not to exceed the cost of procuring the form.

407.544. PRIOR CONVICTIONS FOR ODOMETER FRAUDS, COURT MAY INCREASE SENTENCE, PENALTIES. — Notwithstanding any provision of law to the contrary, a court may enhance the sentence for any person convicted of violating section 407.516, 407.521, 407.526, 407.536, 407.542 or 407.543 who has a prior conviction for any one of the foregoing sections

to a fine and to a time of imprisonment within the department of corrections [and human resources] for a term not to exceed that otherwise authorized by law for violation of a class [D] E felony.

407.740. PENALTY, UNLAWFUL SUBLEASING — PROSECUTING ATTORNEY, ATTORNEY GENERAL, DUTY TO COMMENCE ACTION, WHEN. — 1. Any person who willfully and knowingly engages in unlawful subleasing of a motor vehicle, as defined in section 407.742, shall be guilty of a class [D] E felony. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under sections 407.738 to 407.745, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

2. Whenever it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in unlawful subleasing of a motor vehicle, he may bring an action pursuant to section 407.100 for an injunction prohibiting such person from continuing such methods, uses, acts, or practices, or engaging therein, or doing anything in furtherance thereof. In any action brought by the attorney general under this subsection, all of the provisions of sections 407.100 to 407.140 shall apply thereto.

407.1082. PENALTIES — CRIMINAL PENALTIES — CIVIL DAMAGES. — 1. It is unlawful pursuant to section 407.020 to violate any provision of sections 407.1070 to 407.1085 or to misrepresent or omit the required disclosures of section 407.1073 or 407.1076, and pursuant to sections 407.010 to 407.130, the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

2. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of subdivisions (2) to (5) of section 407.1076 shall be guilty of a class A misdemeanor. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of subdivision (1) of section 407.1076, or of subdivisions (6) to (11) of section 407.1076, shall be guilty of a class [D] E felony. Any person previously convicted of a class [D] E felony pursuant to this subsection shall, for each subsequent conviction, be guilty of a class [D] E felony punishable by the term of years set out for a class [D] E felony, but with a fine of not more than five thousand dollars or a fine equal to triple the gain, with no limit on the amount recoverable pursuant to any triple-the-gain penalty. Any person who willfully and knowingly fails to keep the records required in section 407.1079 shall be guilty of a class A misdemeanor.

3. In addition to the remedies already provided in sections 407.1070 to 407.1085, any consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice pursuant to section 407.1076 may recover actual and punitive damages, reasonable attorney's fees, court costs and any other remedies provided by law.

407.1252. COMPLAINT PROCEDURE — VIOLATIONS, REMEDY. — 1. Any individual who purchases a travel club membership from a travel club and has a complaint resulting from that purchase transaction has the option, in addition to filing a civil suit, to file a written complaint with the office of the state attorney general, or the county prosecuting attorney. The office which receives the complaint shall deliver to the travel club that is the subject of the complaint, by registered mail within ten working days, all written complaints received under this section in their entirety. Should the office receiving the complaint, including the attorney general, fail to deliver the complaint as stated herein, any action subsequently filed on the complaint shall be stayed for a period of thirty business days from the date the club is first notified and provided the written complaint, thereby allowing the travel club that is the subject of the complaint an opportunity to cure the complaint as provided in subsection 2 of this section.

2. Prior to being subject to any remedies available under sections 407.1240 to 407.1252, a travel club shall have thirty business days following the date that a filed complaint is provided

to the travel club to cure any grievances stated in the complaint. The parties shall not seek other forms of redress during this period. Upon satisfaction or settlement of any complaint, the parties shall execute a written mutual release which shall contain the terms of the settlement and operate to remove the matters contained in the release as a basis for further action by any entity or person under this chapter. Any payments to be made under a settlement shall be made within fifteen business days of the signing date of the settlement.

3. (1) The attorney general, prosecuting attorney, or complainant may bring an action in a court of competent jurisdiction to enjoin a violation of sections 407.1240 to 407.1252 if the conditions for a violation of sections 407.1240 to 407.1252 have been met.

(2) A person who violates any provision of sections 407.1240 to 407.1252 is guilty of a class [D] E felony and shall be subject to a penalty of ten thousand dollars. Any fines collected under this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031.

4. Any travel club registered to operate in this state which has been adjudged to have failed to provide a refund equal to the purchase price of the unused travel benefits of a person who has validly exercised his or her rights of rescission under sections 407.1240 to 407.1252 within fifteen business days of such valid exercise or has been adjudged to have failed to honor a settlement agreement entered into under the provisions of sections 407.1240 to 407.1252 shall post a surety bond upon the earlier of a judgment entered on said violations or its next annual registration.

5. Any travel club registered to operate in this state which has been adjudged to have engaged in fraud in the procurement or sale of contracts shall be required to post a security bond upon the earlier of the judgment finding such or its next annual registration.

411.260. APPLICATION FOR PUBLIC WAREHOUSE LICENSE, CONTENTS — RULES — FINANCIAL STATEMENTS — FALSE FINANCIAL STATEMENT, PENALTY. — 1. Each person owning, operating, or desiring to own or operate a grain warehouse who is required to be licensed, shall apply for a license for each such warehouse he owns or operates. The application for a license shall be subscribed and sworn to under oath by the applicant or a duly authorized representative of the applicant. The application shall be in a form prescribed by the director. All items on the application must be completed or marked "not applicable" as appropriate.

2. All applications shall be accompanied by a true and accurate financial statement of the applicant, prepared within six months of the date of the application, setting forth the assets, liabilities and the net worth of the applicant. All applications shall also be accompanied by a true and accurate statement of income and expenses for the applicant's most recently completed fiscal year. The financial statements required by this chapter shall be prepared in conformity with generally accepted accounting principles; except that, the director may promulgate rules allowing for the valuation of assets by competent appraisal. 3. The financial statements required by subsection 2 of this section shall be audited or reviewed by a certified public accountant. The financial statement may not be audited, reviewed or prepared by the applicant, if an individual, or, if the applicant is a corporation or partnership, by any officer, shareholder, partner, or employee of the applicant.

4. The director may require any additional information or verification with respect to the financial resources of the applicant as he deems necessary for the effective administration of this chapter. The director may promulgate rules setting forth minimum standards of acceptance for the various types of financial statements filed in accordance with the provisions of this chapter. The director may promulgate rules requiring a statement of retained earnings, a statement of changes in financial position, and notes and disclosures to the financial statements for all licensed warehousemen or all warehousemen required to be licensed. The additional information or verification referred to herein may include, but is not limited to, requiring that the financial

statement information be reviewed or audited in accordance with standards established by the American Institute of Certified Public Accountants.

5. All warehousemen shall provide the director with a copy of all financial statements and updates to financial statements utilized to secure the bonds required by this chapter. Also, all warehousemen maintaining a uniform grain storage agreement with the Commodity Credit Corporation or a United States Warehouse Act license shall provide the director with a copy of all financial statements and updates to financial statements utilized to secure and maintain such agreement or license.

6. All financial statements submitted to the director for the purposes of this chapter shall be accompanied by a certification by the applicant or the chief executive officer of the applicant, subject to the penalty provision set forth in section 411.517 that to the best of his knowledge and belief the financial statement accurately reflects the financial condition of the applicant for the fiscal period covered in the statement.

7. Any person who knowingly prepares or assists in the preparation of an inaccurate or false financial statement which is submitted to the director for the purposes of this chapter, or who during the course of providing bookkeeping services or in reviewing or auditing a financial statement which is submitted to the director for the purposes of this chapter, becomes aware of false information in the financial statement and does not disclose in notes accompanying the financial statements that such false information exists, or does not disassociate himself from the financial statements prior to submission, is guilty of a class [C] D felony. Additionally, such persons are liable for any damages incurred by depositors of grain with a warehouseman who is licensed or allowed to maintain his license based upon inaccuracies or falsifications contained in the financial statement.

411.287. DIRECTOR MAY MONITOR OPERATIONS, WHEN — FEE FOR MONITORING — DIRECTOR MAY ORDER SHIPMENTS OF GRAIN STOPPED, FAILURE TO OBEY ORDER, PENALTY. — 1. If a license is suspended, revoked or a shortage is known to exist and the director determines that there is danger of loss to depositors, the director or his authorized agents may enter the premises of the warehouseman, monitor the activities of the warehouseman and take any actions authorized by this chapter which are necessary to protect the interests of depositors of grain. Additionally, when a shortage exists, the director or his designated representative may order, verbally or in writing, the warehouseman to cease shipping any grain until such shortage is corrected. Should the warehouseman continue to ship grain after being advised of such order to cease shipping, such action of the warehouseman shall constitute a class [C] D felony. The director and his designated representative shall notify local law enforcement officials and request the immediate arrest of the warehouseman.

2. Whenever the director or his authorized agents monitor the operation of any warehouse, the warehouseman, upon a finding by a court of competent jurisdiction that the director had reasonable grounds to believe that this action was necessary to protect the depositors, may be assessed and shall pay a fee of one hundred dollars per person for each day or part thereof that the director or his authorized agents monitored the operations.

411.371. WAREHOUSE RECEIPTS, APPROVAL BY DIRECTOR REQUIRED — COUNTERFEITING, PENALTY FOR — UNUSED RECEIPTS RETURNED TO DIRECTOR, WHEN — UNLAWFUL ISSUANCE OF RECEIPTS, PENALTY. — 1. Warehouse receipts shall be issued by any licensed public warehouseman as herein defined upon the request of any depositor, and must be issued in manner and form as provided by this chapter or prescribed by rule, and the form of all receipts shall be approved by the director. The director shall be authorized to have printed all warehouse receipts, grade certificates, and weight certificates issued by public warehousemen licensed under this chapter.

2. It shall be unlawful for any public warehouseman to issue any warehouse receipts for any grain received except upon warehouse receipts approved by the director. Any person who

shall issue or cause to be issued any counterfeit warehouse receipt, or any warehouse receipt for grain, other than as authorized and prescribed by the director, shall be guilty of a class [C] **D** felony.

3. Whenever the license of a public warehouseman expires or is revoked or suspended, he shall return all unused warehouse receipts to the director; the director shall immediately notify the holders of all outstanding receipts of the expiration or revocation of the license.

4. It shall be unlawful for any person, other than a licensed public grain warehouseman, to issue any negotiable warehouse receipt for grain, or any warehouse receipt for grain for collateral purposes. Any person who violates this subsection is, upon conviction, guilty of a class [C] **D** felony.

411.517. RECORDS REQUIRED TO BE KEPT. — 1. The warehouseman shall maintain in a place of safety at each licensed warehouse facility current and complete records with respect to all grain delivered to, withdrawn from and received, stored or processed at that warehouse. The director may allow the warehouseman to maintain said records at the warehouseman's headquarters office on a case-by-case basis taking into consideration the location from which grain payments are made. Such records shall include but not be limited to the following:

(1) A perpetual inventory showing the total quantity of each kind and class of grain received and loaded out, the quantity of each kind and class of grain remaining in the warehouse and the total storage obligations for each kind and class of grain. This record shall be kept current as of the close of each business day; except that, if no transaction takes place during a business day, a record showing the actual status as to quantity and storage obligations at the close of the next preceding business day during which recordable transactions occurred shall be deemed to be current;

(2) A register which records all grain transactions not evidenced by the warehouseman's own scale ticket, i.e., direct farm to market shipments. This register shall be updated daily showing, at a minimum, customer name, type of grain, quantity of grain, date of shipment, name of terminal or other business accepting the physical commodity, destination scale ticket number and whether the grain was delivered for storage, sale or other specified purpose;

(3) A current copy of the periodic insurance report submitted to the insurer.

2. In addition to the records required by section 411.383 and subsection 1 of this section, the warehouseman shall maintain such adequate financial records as will clearly reflect his current financial position and will clearly support any financial information required to be submitted to the director from time to time.

3. Each grain warehouseman may also be required to keep such records or make such reports as deemed necessary by the director to protect the depositor or seller of grain as set forth in this chapter and the regulations promulgated hereunder.

4. All books, records and accounts of warehousemen shall be kept and held available for examination for a period of not less than three years after the close of the period for which such book or record was required; except that, canceled or voided warehouse receipts and the warehouse receipt register required by section 411.383 shall be kept and held available for examination for a period of not less than six years from the date of cancellation or voiding of receipts or, in the case of the register, from the last date upon which a receipt referred to therein shall have been canceled or voided.

5. A warehouseman licensed or required to be licensed under this chapter shall keep available for examination all books, records and accounts required by this chapter and any other books, records and accounts relevant to his operating a public grain warehouse. An examination may be performed by the director or a warehouse auditor, and may take place at any time during the normal business hours of the warehouseman or, if prior notice of the examination is given to the warehouseman, at such time as is prescribed in that notice.

6. Any warehouseman licensed or required to be licensed under this chapter, or any officer, agent, employee, servant or associate of such warehouseman, who files with the director

false records, scale tickets, financial statements, accounts, or withholds records, scale tickets, financial statements or accounts from the director, or who alters records, scale tickets, financial statements or accounts in order to conceal outstanding storage obligations or to conceal actual amounts of grain received for storage or for purchase, whether or not paid for, or to conceal warehouse obligations or for the purpose of misleading in any way department warehouse auditors or officials, is guilty of a class [C] **D** felony.

411.770. STEALING GRAIN, PENALTY. — A warehouseman commits the [crime of "stealing grain"] **offense of stealing grain** if he **or she** sells grain owned by another person which has been delivered to him **or her** for the purpose of storage without the owner's consent, or by means of deceit or coercion, with the intent to deprive the owner of the grain either permanently or temporarily. Stealing grain by a warehouseman is a class [C] **D** felony.

413.229. CRIMINAL PENALTIES FOR VIOLATIONS. — 1. Any person found in violation of any provisions of this chapter shall be [deemed] guilty of a class A misdemeanor.

2. Any person found to have purposely violated any provisions of this chapter, has been previously convicted twice for the same offense under the misdemeanor provisions of this section, or uses or has in his or her possession for use a commercial device which has been altered to facilitate the commission of fraud shall be [deemed] guilty of a class [D] **E** felony.

3. The prosecutor of each county in which a violation occurs shall be empowered to bring an action hereunder. If a prosecutor declines to bring such action, the attorney general may bring an action instead, and in so doing shall have all of the powers and jurisdiction of such prosecutor.

429.012. ORIGINAL CONTRACTOR TO HAVE LIEN, WHEN — REQUIREMENTS, FAILURE TO PROVIDE NOTICE, PENALTY, EXCEPTION — AGENTS, INSURANCE COMPANIES OR ESCROW, ACCEPTING FRAUDULENT LIEN WAIVER OR FALSE AFFIDAVIT FOR GAIN, PENALTY.

— 1. Every original contractor, who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing the same, under or by virtue of any contract, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, shall provide to the person with whom the contract is made or to the owner if there is no contract, prior to receiving payment in any form of any kind from such person, (a) either at the time of the execution of the contract, (b) when the materials are delivered, (c) when the work is commenced, or (d) delivered with first invoice, a written notice which shall include the following disclosure language in ten-point bold type:

NOTICE TO OWNER

FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.

2. Compliance with subsection 1 of this section shall be a condition precedent to the creation, existence or validity of any mechanic's lien in favor of such original contractor.

3. Any original contractor who fails to provide the written notice set out in subsection 1 of this section, with intent to defraud, shall be guilty of a class B misdemeanor and any contractor who knowingly issues a fraudulent lien waiver or a false affidavit shall be guilty of a class [C] **D** felony.

4. The provisions of subsections 1 and 2 of this section shall not apply to new residences for which the buyer has been furnished mechanics' and suppliers' lien protection through a title insurance company registered in the state of Missouri.

5. Any settlement agent, including but not limited to any title insurance company, title insurance agency, title insurance agent or escrow agent who knowingly accepts, with intent to defraud, a fraudulent lien waiver or a false affidavit shall be guilty of a class [C] D felony if the acceptance of the fraudulent lien waiver or false affidavit results in a matter of financial gain to:

(1) The settlement agent or to its officer, director or employee other than a financial gain from the charges regularly made in the course of its business;

(2) A person related as closely as the fourth degree of consanguinity to the settlement agent or to an officer, director or employee of the settlement agent;

(3) A spouse of the settlement agent, officer, director or employee of the settlement agent; or

(4) A person related as closely as the fourth degree of consanguinity to the spouse of the settlement agent, officer, director or employee of the settlement agent.

429.013. DEFINITIONS — SUBCONTRACTOR TO HAVE LIEN, WHEN — CONSENT OF OWNER, FORM — REQUIREMENTS — PENALTIES FOR VIOLATION. — 1. The provisions of this section shall apply only to the repair or remodeling of or addition to owner-occupied residential property of four units or less. The term "owner" means the owner of record at the time any contractor, laborer or materialman agrees or is requested to furnish any work, labor, material, fixture, engine, boiler or machinery. The term "owner-occupied" means that property which the owner currently occupies, or intends to occupy and does occupy as a residence within a reasonable time after the completion of the repair, remodeling or addition which is the basis for the lien sought, pursuant to this section. The term "residential property" means property consisting of four or less existing units to which repairs, remodeling or additions are undertaken. This section shall not apply to the building, construction or erection of any improvements constituting the initial or original residential unit or units or other improvements or appurtenances forming a part of the original development of the property. The provisions added to this subsection in 1990 are intended to clarify the scope and meaning of this section as originally enacted.

2. No person, other than an original contractor, who performs any work or labor or furnishes any material, fixtures, engine, boiler or machinery for any building or structure shall have a lien under this section on such building or structure for any work or labor performed or for any material, fixtures, engine, boiler, or machinery furnished unless an owner of the building or structure pursuant to a written contract has agreed to be liable for such costs in the event that the costs are not paid. Such consent shall be printed in ten point bold type and signed separately from the notice required by section 429.012 and shall contain the following words:

CONSENT OF OWNER

CONSENT IS HEREBY GIVEN FOR FILING OF MECHANIC'S LIENS BY ANY PERSON WHO SUPPLIES MATERIALS OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT ON THE PROPERTY ON WHICH IT IS LOCATED IF HE IS NOT PAID.

3. In addition to complying with the provisions of section 429.012, every original contractor shall retain a copy of the notice required by that section and any consent signed by an owner and shall furnish a copy to any person performing work or labor or furnishing material, fixtures, engines, boilers or machinery upon his request for such copy of the notice or consent. It shall be a condition precedent to the creation, existence or validity of any lien by anyone other than an original contractor that a copy of a consent in the form prescribed in subsection 2 of this section, signed by an owner, be attached to the recording of a claim of lien. The signature of one or more of the owners shall be binding upon all owners. Nothing in this section shall relieve the requirements of any original contractor under sections 429.010 and 429.012.

4. In the absence of a consent described in subsection 2 of this section, full payment of the amount due under a contract to the contractor shall be a complete defense to all liens filed by any person performing work or labor or furnishing material, fixtures, engines, boilers or machinery. Partial payment to the contractor shall only act as an offset to the extent of such payment.

5. Any person falsifying the signature of an owner, with intent to defraud, in the consent of owner provided in subsection 2 of this section shall be guilty of a class [C] D felony. Any original contractor who knowingly issues a fraudulent consent of owner shall be guilty of a class [C] D felony.

429.014. LIEN FRAUD, PENALTIES—CLAIM AGAINST ORIGINAL CONTRACT, WHEN.—

1. Any original contractor, subcontractor or supplier who fails or refuses to pay any subcontractor, materialman, supplier or laborer for any services or materials provided pursuant to any contract referred to in section 429.010, 429.012 or 429.013 for which the original contractor, subcontractor or supplier has been paid, with the intent to defraud, commits the [crime] offense of lien fraud, regardless of whether the lien was perfected or filed within the time allowed by law.

2. A property owner or lessee who pays a subcontractor, materialman, supplier or laborer for the services or goods claimed pursuant to a lien, for which the original contractor, subcontractor or supplier has been paid, shall have a claim against the original contractor, subcontractor or supplier who failed or refused to pay the subcontractor, materialman, supplier or laborer.

3. Lien fraud is a class [C] D felony if the amount of the lien filed or the aggregate amount of all liens filed on the subject property as a result of the conduct described in subsection 1 of this section is in excess of five hundred dollars, otherwise lien fraud is a class A misdemeanor. If no liens are filed, lien fraud is a class A misdemeanor.

436.485. VIOLATIONS, PENALTIES.— 1. Any person, including the officers, directors, partners, agents, or employees of such person, who shall knowingly and willfully violate or assist or enable any person to violate any provision of sections 436.400 to 436.520 by incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty is guilty of a class [C] D felony. Each violation of any provision of sections 436.400 to 436.520 constitutes a separate offense and may be prosecuted individually. The attorney general shall have concurrent jurisdiction with any local prosecutor to prosecute under this section.

2. Any violation of the provisions of sections 436.400 to 436.520 shall constitute a violation of the provisions of section 407.020. In any proceeding brought by the attorney general for a violation of the provisions of sections 436.400 to 436.520, the court may order all relief and penalties authorized under chapter 407 and, in addition to imposing the penalties provided for in sections 436.400 to 436.520, order the revocation or suspension of the license or registration of a defendant seller, provider, or preneed agent.

443.810. PENALTY FOR VIOLATIONS.— Any person who violates any provision of sections 443.805 to 443.812 [shall be deemed] is guilty of a class [C] D felony. In addition, in any contested case proceeding, the director or board may assess a civil penalty of up to twenty-five thousand dollars per violation for any violation of any of the provisions of sections 443.701 to 443.893.

443.819. BROKERAGE BUSINESS TO BE OPERATED UNDER ACTUAL NAMES OF PERSONS OR CORPORATIONS, VIOLATION, PENALTIES.— 1. No person engaged in a business regulated by sections 443.701 to 443.893 shall operate or engage in such business under a name other than the real names of the persons conducting such business, a corporate name adopted pursuant to law, or a fictitious name registered with the secretary of state's office.

2. Any person who knowingly violates this section [shall be deemed] **is** guilty of a class A misdemeanor. A person who is convicted of a second or subsequent violation of this section [shall be deemed] **is** guilty of a class [C] **D** felony.

453.110. PROHIBITING TRANSFER OF CUSTODY OF CHILD — EXCEPTION — PENALTY — INVESTIGATION AND REPORT — TRANSFER OF CUSTODY ORDER ISSUED, WHEN. — 1. No person, agency, organization or institution shall surrender custody of a minor child, or transfer the custody of such a child to another, and no person, agency, organization or institution shall take possession or charge of a minor child so transferred, without first having filed a petition before the circuit court sitting as a juvenile court of the county where the child may be, praying that such surrender or transfer may be made, and having obtained such an order from such court approving or ordering transfer of custody.

2. If any such surrender or transfer is made without first obtaining such an order, such court shall, on petition of any public official or interested person, agency, organization or institution, order an investigation and report as described in section 453.070 to be completed by the division of family services and shall make such order as to the custody of such child in the best interest of such child.

3. Any person [violating] **who violates** the terms of this section [shall be] **is** guilty of a class [D] **E** felony.

4. The investigation required by subsection 2 of this section shall be initiated by the division of family services within forty-eight hours of the filing of the court order requesting the investigation and report and shall be completed within thirty days. The court shall order the person having custody in violation of the provisions of this section to pay the costs of the investigation and report.

5. This section shall not be construed to prohibit any parent, agency, organization or institution from placing a child with another individual for care if the right to supervise the care of the child and to resume custody thereof is retained, or from placing a child with a licensed foster home within the state through a child-placing agency licensed by this state as part of a preadoption placement.

6. After the filing of a petition for the transfer of custody for the purpose of adoption, the court may enter an order of transfer of custody if the court finds all of the following:

(1) A family assessment has been made as required in section 453.070 and has been reviewed by the court;

(2) A recommendation has been made by the guardian ad litem;

(3) A petition for transfer of custody for adoption has been properly filed or an order terminating parental rights has been properly filed;

(4) The financial affidavit has been filed as required under section 453.075;

(5) The written report regarding the child who is the subject of the petition containing the information has been submitted as required by section 453.026;

(6) Compliance with the Indian Child Welfare Act, if applicable; and

(7) Compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620.

7. A hearing on the transfer of custody for the purpose of adoption is not required if:

(1) The conditions set forth in subsection 6 of this section are met;

(2) The parties agree and the court grants leave; and

(3) Parental rights have been terminated pursuant to section 211.444 or 211.447.

455.085. ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS. — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the

officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims from continuing domestic violence;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class [D] E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence

of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class [D] E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.538. LAW ENFORCEMENT AGENCIES RESPONSE TO VIOLATION OF ORDER — ARREST FOR VIOLATION, PENALTIES — CUSTODY TO BE RETURNED TO RIGHTFUL PARTY, WHEN. — 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act in violation of that order, the officer shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to domestic violence, stalking, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class [D] E felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law

enforcement officer responding to a call of a reported incident of domestic violence or stalking or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class [D] E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with [the joint legislative committee on court automation. Such committee shall consist of the following]:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; **and**
- (4) The chair of the senate judiciary committee[;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation].

[9.] 8. Section 488.027 shall expire on September 1, 2018. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2020.

10. This section shall expire on September 1, 2020.

[476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2015, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the

court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, 2015. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2017.

10. This section shall expire on September 1, 2017.]

[577.006.] 479.172. INTOXICATION-RELATED TRAFFIC OFFENSES, MUNICIPAL JUDGES TO RECEIVE ADEQUATE INSTRUCTION — WRITTEN POLICY ON TIMELY DISPOSITION OF CASES — REPORT REQUIRED. —

1. Each municipal judge shall receive adequate instruction on the laws related to intoxication-related traffic offenses as defined in section [577.023] **577.001** including jurisdictional issues related to such offenses, reporting requirements to the highway patrol central repository as set out in section 43.503 and required assessment for offenders under the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a written policy requiring that municipal court personnel timely report all dispositions of all charges for intoxication-related traffic offenses to the central repository.

2. Each municipal court shall provide a copy of its written policy for reporting dispositions of intoxication-related traffic offenses to the office of state courts administrator and the highway

patrol. To assist municipal courts, the office of state courts administrator may create a model policy for the reporting of dispositions of all charges for intoxication-related traffic offenses.

3. Each municipal division of every circuit court in the state of Missouri shall prepare a report every six months. The report shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending in its municipal court division. The municipal court division shall submit said report to the circuit court en banc. The report shall include the six-month period beginning January first and ending June thirtieth and the six-month period beginning July first and ending December thirty-first of each year. The report shall be submitted to the circuit court en banc no later than sixty days following the end of the reporting period. The circuit court en banc shall make recommendations or take any action it deems appropriate based on its review of said reports.

[572.120.] 513.660. FORFEITURE OF GAMBLING DEVICES, RECORDS AND MONEY. — Any gambling device or gambling record, or any money used as bets or stakes in unlawful gambling activity, possessed or used in violation of this chapter may be seized by any [peace] **law enforcement** officer and is forfeited to the state. Forfeiture procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited gambling device or record not needed in connection with any proceedings under this chapter and which has no legitimate use shall be ordered publicly destroyed.

[570.123.] 537.123. CIVIL ACTION FOR DAMAGES FOR PASSING BAD CHECKS, ONLY ORIGINAL HOLDER MAY BRING ACTION — LIMITATIONS — NOTICE REQUIREMENTS — PAYROLL CHECKS, ACTION TO BE AGAINST EMPLOYER. — In addition to all other penalties provided by law, any person who makes, utters, draws, or delivers any check, draft, or order for the payment of money upon any bank, savings and loan association, credit union, or other depository, financial institution, person, firm, or corporation which is not honored because of lack of funds or credit to pay or because of not having an account with the drawee and who fails to pay the amount for which such check, draft, or order was made in cash to the holder within thirty days after notice and a written demand for payment, deposited as certified or registered mail in the United States mail, or by regular mail, supported by an affidavit of service by mailing, notice deemed conclusive three days following the date the affidavit is executed, and addressed to the maker and to the endorser, if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or order or to the last known address, shall, in addition to the face amount owing upon such check, draft, or order, be liable to the holder for three times the face amount owed or one hundred dollars, whichever is greater, plus reasonable attorney fees incurred in bringing an action pursuant to this section. Only the original holder, whether the holder is a person, bank, savings and loan association, credit union, or other depository, financial institution, firm or corporation, may bring an action pursuant to this section. No original holder shall bring an action pursuant to this section if the original holder has been paid the face amount of the check and costs recovered by the prosecuting attorney or circuit attorney pursuant to subsection 6 of section 570.120. If the issuer of the check has paid the face amount of the check and costs pursuant to subsection 6 of section 570.120, such payment shall be an affirmative defense to any action brought pursuant to this section. The original holder shall elect to bring an action pursuant to this section or section 570.120, but may not bring an action pursuant to both sections. In no event shall the damages allowed pursuant to this section exceed five hundred dollars, exclusive of reasonable attorney fees. In situations involving payroll checks, the damages allowed pursuant to this section shall only be assessed against the employer who issued the payroll check and not against the employee to whom the payroll check was issued. The provisions of sections 408.140 and 408.233 to the contrary notwithstanding, a lender may bring an action pursuant to this section. The provisions of this section will not apply in cases where there exists a bona fide dispute over the quality of goods sold or services rendered.

[570.087.] 537.127. STEALING, CIVIL LIABILITY — PARENT OR GUARDIAN CIVILLY LIABLE FOR MINOR'S STEALING — CONVERSION OF SHOPPING CARTS, PENALTY. — 1. As used in this section, the following terms mean:

(1) "Actual damages", the full retail value of any merchandise which is taken or which has its price altered in a manner described in subsection 2 of this section, plus any proven incidental costs to the owner of the merchandise not to exceed one hundred dollars;

(2) "Mercantile establishment", any place where merchandise is displayed, held or offered for sale either at retail or at wholesale;

(3) "Merchandise", all things movable and capable of manual delivery and offered for sale either at retail or wholesale;

(4) "Unemancipated minor", an individual under the age of eighteen years whose parents or guardian have not surrendered the right to the care, custody and earnings of such individual, and are under a duty to support or maintain such individual.

2. An adult or a minor who takes possession of any merchandise from any mercantile establishment without the consent of the owner, without paying the purchase price and with the intention of converting such merchandise to his own use, or the use of another, or who purchases merchandise after altering the price indicia of such merchandise, shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of not less than one hundred dollars nor more than two hundred fifty dollars and all court costs and reasonable attorney fees.

3. The parents or guardian having physical custody of an unemancipated minor, who takes possession of any merchandise from any mercantile establishment without the consent of the owner, without paying the purchase price and with the intention of converting such merchandise to his own use, or the use of another, or who purchases merchandise after altering the price indicia of such merchandise, shall be civilly liable to the owner for actual damages, provided that a parent or guardian shall not be liable if they have not had physical custody for a period in excess of one year.

4. Notwithstanding the provisions of subsections 2 and 3 of this section, any person who, without the consent of the owner, takes possession of a shopping cart from any mercantile establishment with the intent to convert such shopping cart to his own use or the use of another shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of one hundred dollars and all court costs and reasonable attorney fees.

5. A conviction under section 570.030 [or 570.040] shall not be a condition precedent to maintaining a civil action pursuant to the provisions of this section.

6. No owner or agent or employee of the owner may attempt to gain an advantage in a civil action by threatening to initiate a criminal prosecution pertaining to the same incident.

542.402. PENALTY FOR ILLEGAL WIRETAPPING, PERMITTED ACTIVITIES. — 1. Except as otherwise specifically provided in sections 542.400 to 542.422, a person is guilty of a class [D] E felony and upon conviction shall be punished as provided by law, if such person:

(1) Knowingly intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire communication;

(2) Knowingly uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when such device transmits communications by radio or interferes with the transmission of such communication; provided, however, that nothing in sections 542.400 to 542.422 shall be construed to prohibit the use by law enforcement officers of body microphones and transmitters in undercover investigations for the acquisition of evidence and the protection of law enforcement officers and others working under their direction in such investigations;

(3) Knowingly discloses, or endeavors to disclose, to any other person the contents of any wire communication, when he knows or has reason to know that the information was obtained through the interception of a wire communication in violation of this subsection; or

(4) Knowingly uses, or endeavors to use, the contents of any wire communication, when he knows or has reason to know that the information was obtained through the interception of a wire communication in violation of this subsection.

2. It is not unlawful under the provisions of sections 542.400 to 542.422:

(1) For an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication, however, communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks;

(2) For a person acting under law to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception;

(3) For a person not acting under law to intercept a wire communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act.

[566.013.] 542.425. CRIMINAL INVESTIGATIONS, SITE OF CRIMINAL CONDUCT UNDETERMINED, ATTORNEY GENERAL MAY SUBPOENA WITNESSES AND DOCUMENTS. — In the course of a criminal investigation under [this] chapter **566 or 573**, when the venue of the alleged criminal conduct cannot be readily determined without further investigation, the attorney general may request the prosecuting attorney of Cole County to request a circuit or associate circuit judge of Cole County to issue a subpoena to any witness who may have information for the purpose of oral examination under oath or to require access to data or the production of books, papers, records, or other material of evidentiary nature at the office of the attorney general. If, upon review of the evidence produced pursuant to the subpoenas, it appears that a violation of [this] chapter **566 or 573** may have been committed, the attorney general shall provide the evidence produced pursuant to subpoena to an appropriate county prosecuting attorney or circuit attorney having venue over the criminal offense.

[577.039.]544.218. ARREST WITHOUT WARRANT, LAWFUL, WHEN. — An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer.

[577.680.] 544.472. PERSONS CONFINED TO JAIL, VERIFICATION OF LAWFUL IMMIGRATION STATUS REQUIRED. — 1. If verification of the nationality or lawful immigration status of any person who is charged and confined to jail for any period of time cannot be made from documents in the possession of the prisoner or after a reasonable effort on the part of the arresting agency to determine the nationality or immigration status of the person so confined, verification shall be made by the arresting agency within forty-eight hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If it is determined that the prisoner is in the United States unlawfully, the arresting agency shall notify the United States Department of Homeland Security. [Until August 28, 2009, this section shall only apply to officers employed by the department of public safety to include: the highway patrol, water patrol, capitol police, fire marshal's office, and division of alcohol and tobacco control.]

2. Nothing in this section shall be construed to deny any person bond or prevent a person from being released from confinement if such person is otherwise eligible for release.

544.665. FAILURE TO APPEAR, PENALTY. — 1. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter against him or her, knowingly fails to appear before any court or judicial officer as required shall be guilty of the crime of failure to appear.

2. Failure to appear is:

(1) A class [D] E felony if the criminal matter for which the person was released included a felony;

(2) A class A misdemeanor if the criminal matter for which the person was released includes a misdemeanor or misdemeanors but no felony or felonies;

(3) An infraction if the criminal matter for which the person was released includes only an infraction or infractions;

(4) An infraction if the criminal matter for which the person was released includes only the violation of a municipal ordinance, provided that the sentence imposed shall not exceed the maximum fine which could be imposed for the municipal ordinance for which the accused was arrested.

3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its power to punish for contempt.

[566.135.] 545.940. DEFENDANT MAY BE TESTED FOR VARIOUS SEXUALLY TRANSMITTED DISEASES, WHEN. — 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070,] **chapter 566 or section 565.050, assault in the first degree; 565.052, assault in the second degree; 565.054, assault in the third degree; 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic assault in the third degree; section 565.076, domestic assault in the fourth degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, [or] endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest;** or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, **recklessly exposing a person to HIV**, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

556.011. SHORT TITLE. — [This code] **Chapters 556 to 580** shall be known and may be cited as "The **Revised** Criminal Code".

556.021. INFRACTIONS — PROCEDURE — DEFAULT JUDGMENT, WHEN — EFFECTIVE DATE. — 1. [An offense defined by this code or by any other statute of this state constitutes an infraction if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

2.] An infraction does not constitute [a crime] a **criminal offense** and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a [crime] **criminal offense**.

[3.] 2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor.

[4.] 3. If a [defendant] **person** fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the [defendant] **person** is charged, or if a [defendant] **person** fails to respond to notice of an infraction from the central violations bureau established in section 476.385, the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030, unless the court determines that good cause or excusable neglect exists for the [defendant's] **person's** failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and costs imposed shall be sent to the [defendant] **person** by first class mail. The default judgment may be set aside for good cause if the [defendant] **person** files a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed.

[5.] 4. Notwithstanding subsection [4] 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation which is classified as an infraction.

[6.] 5. Judgment against the defendant for an infraction shall be in the amount of the fine authorized by law and the court costs for the offense.

[7. Subsections 3 to 6 of this section shall become effective January 1, 2012.]

556.026. OFFENSES AND INFRACTIONS TO BE DEFINED BY STATUTE. — No conduct constitutes an offense or **infraction** unless made so by this code or by other applicable statute.

556.036. TIME LIMITATIONS. — 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the [defendant] **person** is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the [defendant's] **person's** complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. TIME LIMITATIONS FOR PROSECUTIONS FOR SEXUAL OFFENSES INVOLVING A PERSON UNDER EIGHTEEN. — Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, **kidnapping in the first degree**, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

[565.255.] 556.038. TIME LIMITATION TO PROSECUTE. — Notwithstanding the provisions of section 556.036, either misdemeanor or felony prosecutions under sections [565.250] **565.252** to 565.257 shall be commenced within the following periods of limitation:

(1) Three years from the date the viewing, photographing or filming occurred; or

(2) If the person who was viewed, photographed or filmed did not realize at the time that he was being viewed, photographed or filmed, within three years of the time the person who was viewed or in the photograph or film first learns that he was viewed, photographed or filmed.

556.041. LIMITATION ON CONVICTION FOR MULTIPLE OFFENSES. — When the same conduct of a person may establish the commission of more than one offense he **or she** may be prosecuted for each such offense. [He] **Such person** may not, however, be convicted of more than one offense if:

(1) One offense is included in the other, as defined in section 556.046; or

(2) Inconsistent findings of fact are required to establish the commission of the offenses;

or

(3) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or

(4) The offense is defined as a continuing course of conduct and the person's course of conduct was uninterrupted, unless the law provides that specific periods of such conduct constitute separate offenses.

556.046. CONVICTION OF INCLUDED OFFENSES — JURY INSTRUCTIONS. — 1. A [defendant] **person** may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when:

(1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(2) It is specifically denominated by statute as a lesser degree of the offense charged; or

(3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.

2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a basis for a verdict acquitting the [defendant] **person** of the offense charged and convicting him of the included offense. An offense is charged for purposes of this section if:

(1) It is in an indictment or information; or

(2) It is an offense submitted to the jury because there is a basis for a verdict acquitting the [defendant] **person** of the offense charged and convicting the [defendant] **person** of the included offense.

3. The court shall be obligated to instruct the jury with respect to a particular included offense only if there is a basis in the evidence for acquitting the [defendant] **person** of the immediately higher included offense and there is a basis in the evidence for convicting the [defendant] **person** of that particular included offense.

556.061. CODE DEFINITIONS. — In this code, unless the context requires a different definition, the following [shall apply] **terms shall mean:**

(1) **"Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;**

(2) **"Affirmative defense" [has the meaning specified in section 556.056] :**

(a) **The defense referred to is not submitted to the trier of fact unless supported by evidence; and**

(b) **If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;**

[2)] (3) **"Burden of injecting the issue" [has the meaning specified in section 556.051] :**

(a) **The issue referred to is not submitted to the trier of fact unless supported by evidence; and**

(b) **If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;**

[3)] (4) **"Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;**

(5) **"Computer", the box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;**

(6) **"Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;**

(7) **"Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices,**

such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

[(4)] (13) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

[(5)] (14) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug substance, or immediate precursor in schedules I through V as defined in chapter 195;

[(6)] (16) "Criminal negligence" [has the meaning specified in section 562.016], failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will

follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

[(7)] (17) "Custody", a person is in custody when [the person] he or she has been arrested but has not been delivered to a place of confinement;

(18) "**Damage**", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

[(8)] (19) "Dangerous felony" [means], the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, **assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree**, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, [and,] **child molestation in the first or second degree**, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, [and] parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, **and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" as such terms are defined in section 577.001;**

[(9)] (20) "Dangerous instrument" [means], any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) "**Data**", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

[(10)] (22) "Deadly weapon" [means], any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) "**Digital camera**", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "**Disability**", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) "**Elderly person**", a person sixty years of age or older;

[(11)] (26) "Felony" [has the meaning specified in section 556.016], **an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;**

[(12)] (27) "Forcible compulsion" [means] either:

- (a) Physical force that overcomes reasonable resistance; or
- (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

[(13)] (28) "Incapacitated" [means that], **a temporary or permanent** physical or mental condition[, temporary or permanent,] in which a person is unconscious, unable to appraise the nature of [such person's] **his or her** conduct, or unable to communicate unwillingness to an act;

[14] (29) "Infraction" [has the meaning specified in section 556.021] , a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

[15] (30) "Inhabitable structure" [has the meaning specified in section 569.010] , a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such vehicle, vessel, or structure is "inhabitable" regardless of whether a person is actually present.

If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

[16] (31) "Knowingly" [has the meaning specified in section 562.016] , when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

[17] (32) "Law enforcement officer" [means] , any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

[18] (33) "Misdemeanor" [has the meaning specified in section 556.016] , an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

(34) "Of another", property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

[19] (35) "Offense" [means] , any felony[,] or misdemeanor [or infraction];

[20] (36) "Physical injury" [means physical pain, illness, or any impairment of physical condition] , slight impairment of any function of the body or temporary loss of use of any part of the body;

[21] (37) "Place of confinement" [means] , any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

[22] (38) "Possess" or "possessed" [means] , having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

[23] (40) "Public servant" [means] , any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

[24] (41) "Purposely" [has the meaning specified in section 562.016] , **when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;**

[25] (42) "Recklessly" [has the meaning specified in section 562.016] , **consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;**

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) (44) "Serious physical injury" [means] , physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;]

(45) "Services", **when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions;**

(46) "Sexual orientation", **male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender;**

(47) "Vehicle", **a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;**

(48) "Vessel", **any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;**

[32] (49) "Voluntary act" [has the meaning specified in section 562.011] :

(a) **A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or**

(b) **An omission to perform an act of which the actor is physically capable.**

A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law;

(50) "Vulnerable person", **any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.**

[565.100.] 556.101. LACK OF CONSENT IN KIDNAPPING AND CRIMES INVOLVING RESTRAINT. — 1. It is an element of the offenses described in sections 565.110 [through 565.130 of this chapter] to **565.130** that the confinement, movement or restraint be committed without the consent of the victim.

2. Lack of consent results from:
 - (1) Forcible compulsion; or
 - (2) Incapacity to consent.
3. A person is deemed incapable of consent if he is
 - (1) Less than fourteen years [old] **of age**; or
 - (2) Incapacitated.

557.016. CLASSIFICATION OF OFFENSES. — 1. Felonies are classified for the purpose of sentencing into the following [four] **five** categories:

- (1) Class A felonies;
- (2) Class B felonies;
- (3) Class C felonies; [and]
- (4) Class D felonies; **and**
- (5) Class E felonies.**

2. Misdemeanors are classified for the purpose of sentencing into the following [three] **four** categories:

- (1) Class A misdemeanors;
- (2) Class B misdemeanors; [and]
- (3) Class C misdemeanors; **and**
- (4) Class D misdemeanors.**
3. Infractions are not further classified.

557.021. CLASSIFICATION OF OFFENSES OUTSIDE THIS CODE. — 1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a class A misdemeanor.

2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a class [D] **E** felony.

3. For the purpose of applying the extended term provisions of section 558.016 and the minimum prison term provisions of section 558.019 and for determining the penalty for attempts and conspiracies, offenses defined outside of this code shall be classified as follows:

- (1) If the offense is a felony:
 - (a) It is a class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more;
 - (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years;
 - (c) It is a class C felony if the maximum term of imprisonment authorized is ten years;
 - (d) It is a class D felony if the maximum term of imprisonment is less than ten years;
 - (e) It is a class E felony if the maximum term of imprisonment is four years;**
- (2) If the offense is a misdemeanor:
 - (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in jail;
 - (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;
 - (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;
 - (d) It is a class D misdemeanor if it includes a mental state as an element of the offense and there is no authorized imprisonment;**
 - (e) It is an infraction if there is no authorized imprisonment.

557.026. PRESENTENCE INVESTIGATION AND SENTENCING ASSESSMENT REPORT — INQUIRY OF VICTIM, WHEN. — 1. When a probation officer is available to any court, such

probation officer shall, unless waived by the defendant, [make] **conduct** a presentence investigation in all felony cases and **make a sentencing assessment** report to the court before any authorized disposition **is made** under section 557.011. In all class A misdemeanor cases a probation officer shall, if directed by the court, [make] **conduct** a presentence investigation and **make a sentencing assessment** report to the court before any authorized disposition **is made** under section 557.011. The report shall not be submitted to the court or its contents disclosed to anyone until the defendant has [pleaded guilty or] been found guilty.

2. The [presentence investigation] **sentencing assessment** report shall be prepared, presented and utilized as provided by rule of court, except that no court shall prevent the defendant or the attorney for the defendant from having access to the complete [presentence investigation] **sentencing assessment** report and recommendations before any authorized disposition **is made** under section 557.011.

3. The defendant shall not be obligated to make any statement to a probation officer in connection with any [presentence investigation hereunder] **sentencing assessment report**.

4. When the jury enters a finding of [guilty] **guilt** and assesses punishment, the probation officer shall, as part of the presentence investigation, inquire of the victim of the offense for which such punishment was assessed of the facts of the offense and any personal injury or financial loss incurred by the victim. If the victim is dead or otherwise unable to make a statement, the probation officer shall attempt to obtain such information from a member of the immediate family of the victim.

557.031. PRESENTENCE COMMITMENT FOR STUDY. — 1. In felony cases where the circumstances surrounding the commission of the [crime] **offense** or other circumstances brought to the attention of the court indicate a strong likelihood that the defendant is suffering from a mental disease or disorder, and the court desires more detailed information about the defendant's mental condition before making an authorized disposition under section 557.011, it may order the commitment of the defendant for mental examination.

2. The court may commit the defendant to a facility of the department of mental health or to a hospital and order the defendant examined by such person or persons as the court or that department or hospital may designate. The cost of guarding and transporting any confined defendant to and from any such facility or other place of examination shall be borne by the county. Any commitment shall be for a period not exceeding thirty days unless extended by the order of the court.

3. Within forty days after the order the person or persons making such examination or examinations shall transmit to the court a report thereof including answers to any specific questions submitted by the court. The clerk of the court shall immediately supply copies of the report to the prosecuting attorney and to the defendant or his attorney.

4. Any period of commitment to a facility of the department of mental health or to a hospital for the purpose of this section shall be credited against any term of imprisonment imposed upon the defendants.

557.035. HATE OFFENSES — PROVIDES ENHANCED PENALTIES FOR MOTIVATIONAL FACTORS IN CERTAIN OFFENSES. — 1. For all violations of subdivision (1) of subsection 1 of section 569.100 or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the [crime or crimes] **offense or offenses** under this section, and the violation is a class [C] **D** felony.

2. For all violations of section [565.070] **565.054**; subdivisions (1), (3) and (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the [crime or crimes] **offense or offenses** under this section, and the violation is a class [D] **E** felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

[4. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.]

557.036. ROLE OF COURT AND JURY IN SENTENCING — TWO STAGES OF TRIAL — PUNISHMENT ASSESSED BY JURY, WHEN. — 1. Upon a finding of guilt [upon verdict or plea], the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly.

2. Where an offense is submitted to the jury, the trial shall proceed in two stages. At the first stage, the jury shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

3. If the jury at the first stage of a trial finds the defendant guilty of the submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact of the [crime] **offense** upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the defendant. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall instruct the jury as to the range of punishment authorized by statute for each submitted offense. The attorneys may argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment as authorized by statute.

4. A second stage of the trial shall not proceed and the court, and not the jury, shall assess punishment if:

(1) The defendant requests in writing, prior to voir dire, that the court assess the punishment in case of a finding of guilt; or

(2) The state pleads and proves the defendant is a prior offender, persistent offender, dangerous offender, or persistent misdemeanor offender as defined in section 558.016, **or** a persistent sexual offender **or predatory sexual offender** as defined in section [558.018, or a predatory sexual offender as defined in section 558.018] **566.125**. If the jury cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If, after due deliberation by the jury, the court finds the jury cannot agree on punishment, then the court may instruct the jury that if it cannot agree on punishment that the court will assess punishment.

5. If the jury returns a verdict of guilty in the first stage and declares a term of imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense.

6. If the defendant is found to be a prior offender, persistent offender, dangerous offender or persistent misdemeanor offender as defined in section 558.016:

(1) If he has been found guilty of an offense, the court shall proceed as provided in section 558.016; or

(2) If he has been found guilty of a class A felony, the court may impose any sentence authorized for the class A felony.

7. The court shall not seek an advisory verdict from the jury in cases of prior offenders, persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall consider it as mere surplusage.

557.051. PROGRAM FOR PERPETRATORS OF SEXUAL OFFENSES, PARTICIPATION REQUIRED, WHEN — RESTRICTIONS FOR PERSONS PROVIDING ASSESSMENTS AND REPORTS, PENALTY FOR VIOLATION, EXCEPTION. — 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapters 568 or 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the board of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.

2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or any sex offense involving a child under chapters 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.

[560.011.] 558.002. FINES FOR FELONIES. — 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of [a class C or D felony] an offense may be sentenced

[(1)] to pay a fine which does not exceed [five thousand dollars; or

(2)] :

(1) For a class C, D, or E felony, ten thousand dollars;

(2) For a class A misdemeanor, two thousand dollars;

(3) For a class B misdemeanor, one thousand dollars;

(4) For a class C misdemeanor, seven hundred fifty dollars;

(5) For a class D misdemeanor, five hundred dollars;

(6) For an infraction, four hundred dollars; or

(7) If the [offender] person has gained money or property through the commission of the [crime] offense, to pay an amount, fixed by the court, not exceeding double the amount of the

[offender's] **person's** gain from the commission of the [crime. An individual offender may be fined not more than twenty thousand dollars under this provision] **offense**.

2. **A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no specific corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, which does not exceed:**

- (1) **For a felony, twenty thousand dollars;**
- (2) **For a misdemeanor, ten thousand dollars;**
- (3) **For an infraction, one thousand dollars; or**
- (4) **If the corporation has gained money or property through the commission of the offense, to pay an amount, fixed by the court, not exceeding double the amount of the corporation's gain from the commission of the offense.**

3. As used in this section the term "gain" means the amount of money or the value of property derived from the commission of the [crime] **offense**. The amount of money or value of property returned to the victim of the [crime] **offense** or seized by or surrendered to lawful authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue.

[3. The provisions of this section shall not apply to corporations.]

[560.026.] 558.004. IMPOSITION OF FINES. — 1. In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of an individual. The court shall not sentence an offender to pay a fine in any amount which will prevent him **or her** from making restitution or reparation to the victim of the offense.

2. When any other disposition is authorized by statute, the court shall not sentence an individual to pay a fine only unless, having regard to the nature and circumstances of the offense and the history and character of the offender, it is of the opinion that the fine alone will suffice for the protection of the public.

3. The court shall not sentence an individual to pay a fine in addition to any other sentence authorized by section 557.011 unless

- (1) He **or she** has derived a pecuniary gain from the offense; or
- (2) The court is of the opinion that a fine is uniquely adapted to deterrence of the type of offense involved or to the correction of the defendant.

4. When an offender is sentenced to pay a fine, the court may provide for the payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, the fine shall be payable forthwith.

5. When an offender is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section [560.031] **558.006**.

[560.031.] 558.006. RESPONSE TO NONPAYMENT. — 1. When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, the court upon motion of the prosecuting attorney or upon its own motion may require him **or her** to show cause why he **or she** should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his **or her** appearance.

2. Following an order to show cause under subsection 1 **of this section**, unless the offender shows that his **or her** default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his **or her** part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not

to exceed one hundred eighty days if the fine was imposed for conviction of a felony or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court may provide in its order that payment or satisfaction of the fine at any time will entitle the offender to his or her release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.

3. If it appears that the default in the payment of a fine is excusable under the standards set forth in subsection 2 **of this section**, the court may enter an order allowing the offender additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.

4. When a fine is imposed on a corporation it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections 1 and 2 **of this section**.

5. Upon default in the payment of a fine or any installment thereof, the fine may be collected by any means authorized for the enforcement of money judgments.

[560.036.] 558.008. REVOCATION OF A FINE. — A defendant who has been sentenced to pay a fine may at any time petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine no longer exist or that it would otherwise be unjust to require payment of the fine, the court may revoke the fine or the unpaid portion in whole or in part or may modify the method of payment.

558.011. SENTENCE OF IMPRISONMENT, TERMS — CONDITIONAL RELEASE. — 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years **not less than three years and** not to exceed **[seven] ten** years;

(4) For a class D felony, a term of years not to exceed **[four] seven** years;

(5) **For a class E felony, a term of years not to exceed four years;**

(6) For a class A misdemeanor, a term not to exceed one year;

[(6)] (7) For a class B misdemeanor, a term not to exceed six months;

[(7)] (8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class **[C and] D and E** felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class **[C or] D or E** felony, it shall commit the person to the custody of the department of corrections **[for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section].**

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) **Except as otherwise provided**, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department

of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;
- (c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other [crime] **offense**, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole. The director of any division of the department of corrections except the board of probation and parole may file with the board of probation and parole a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the board of probation and parole shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the board and for the board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a board decision has not been reached, the offender shall be released conditionally. The decision of the board shall be final.

558.016. EXTENDED TERMS FOR PRIOR CRIMINAL CONDUCT — DEFINITIONS — SENTENCING. — 1. The court may sentence a person who has [pleaded guilty to or has] been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender[, or to] . **The court may sentence a person to an extended term of imprisonment if [it finds] :**

(1) The defendant is a persistent offender or a dangerous offender, **and the person is sentenced under subsection 7 of this section;**

(2) **The statute under which the person was found guilty contains a sentencing enhancement provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the person is sentenced according to the statute; or**

(3) **A more specific sentencing enhancement provision applies that is based on a prior finding of guilt or a finding of prior criminal conduct.**

2. A "prior offender" is one who has [pleaded guilty to or has] been found guilty of one felony.

3. A "persistent offender" is one who has [pleaded guilty to or has] been found guilty of two or more felonies committed at different times.

4. A "dangerous offender" is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and

(2) Has [pleaded guilty to or has] been found guilty of a class A or B felony or a dangerous felony.

5. A "persistent misdemeanor offender" is one who [has pleaded guilty to or] has been found guilty of two or more [class A or B misdemeanors] **offenses**, committed at different times[, which] **that** are [defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576] **classified as A or B misdemeanors under the laws of this state.**

6. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of commission of the present offense.

7. [The total authorized maximum terms of imprisonment for a persistent offender or a dangerous offender are:

- (1) For a class A felony, any sentence authorized for a class A felony;
- (2) For a class B felony, any sentence authorized for a class A felony;
- (3) For a class C felony, any sentence authorized for a class B felony;
- (4) For a class D felony, any sentence authorized for a class C felony]

The court shall sentence a person, who has been found to be a persistent offender or a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term of imprisonment for the offense that is one class higher than the offense for which the person is found guilty.

558.019. PRIOR FELONY CONVICTIONS, MINIMUM PRISON TERMS — PRISON COMMITMENT DEFINED — DANGEROUS FELONY, MINIMUM TERM PRISON TERM, HOW CALCULATED — SENTENCING COMMISSION CREATED, MEMBERS, DUTIES — EXPENSES — COOPERATION WITH COMMISSION — RESTORATIVE JUSTICE METHODS — RESTITUTION FUND. — 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section [558.018] **566.125**, or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter [195] **579**, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include [commitment to a regimented discipline program established pursuant to section 217.378] **an offender's first incarceration prior to release on probation under section 217.362 or an offender's incarceration prior to release on probation under section 559.115.** Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a dangerous felony as defined in section 556.061

and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for [crimes] **offenses** committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar [crimes] **offenses** and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a [defendant] **person** to make payment.

12. A [defendant] **person** who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the [defendant] **person** either willfully refused to make the payment or that the [defendant] **person** willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

558.031. CALCULATION OF TERMS OF IMPRISONMENT — CREDIT FOR JAIL TIME AWAITING TRIAL. — 1. A sentence of imprisonment shall commence when a person convicted of [a crime] **an offense** in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after the offense occurred and before the commencement of the sentence, when the time in custody was related to that offense, except:

(1) Such credit shall only be applied once when sentences are consecutive;

(2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

(3) As provided in section 559.100.

2. The officer required by law to deliver a person convicted of [a crime] **an offense** in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

3. If a person convicted of [a crime] **an offense** escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

4. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

5. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his **or her** parole or release, he **or she** may be treated as a parole violator. If the board of probation and parole revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

558.041. "GOOD TIME" CREDIT, EXCEPTIONS — RULES, PROCEDURE. — 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection [6] 7 of section 558.016, or subsection 3 of section [558.018] **566.125**, may receive additional credit in terms of days spent in confinement upon recommendation for such credit by the offender's institutional superintendent when the offender meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his **or her** designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. The director of the department of corrections shall issue a policy for awarding credit. The policy may reward an inmate who has served his **or her** sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him **or her**. Any violation of institutional rules or the laws of this state may result in the loss of all or a portion of any credit earned by the inmate pursuant to this section.

4. The department shall cause the policy to be published in the code of state regulations.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

558.046. REDUCTION OF TERM OF SENTENCE, CONDITIONS. — The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the state board of probation and parole if the court determines that:

(1) The convicted person was:

(a) Convicted of [a crime] **an offense** that did not involve violence or the threat of violence; and

(b) Convicted of [a crime] **an offense** that involved alcohol or illegal drugs; and

(2) Since the commission of such [crime] **offense**, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or

(b) A persistent sexual offender as defined in section [558.018] **566.125**; or

(c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.

559.012. ELIGIBLE FOR PROBATION, WHEN. — The court may place a person on probation for a specific period upon conviction of any offense or upon suspending imposition of sentence if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that:

(1) Institutional confinement of the defendant is not necessary for the protection of the public; and

(2) The defendant is in need of guidance, training or other assistance which, in his **or her** case, can be effectively administered through probation supervision.

559.021. CONDITIONS OF PROBATION — COMPENSATION OF VICTIMS — FREE WORK, PUBLIC OR CHARITABLE — DEFENDANT NOT AN EMPLOYEE FOR WORKERS' COMPENSATION PURPOSES — PAYMENT TO COUNTY RESTITUTION FUND, WHEN. — 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he **or she** shall be given a certificate explicitly stating the conditions on which he **or she** is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, any statutorily created fund for costs incurred as a result of the offender's actions, or society. Such conditions may include restorative justice methods pursuant to section 217.777, or any other method that the court finds just or appropriate including, but not limited to:

- (1) Restitution to the victim or any dependent of the victim, or statutorily created fund for costs incurred as a result of the offender's actions in an amount to be determined by the judge;
 - (2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge;
 - (3) Offender treatment programs;
 - (4) Work release programs in local facilities; and
 - (5) Community-based residential and nonresidential programs.
3. The defendant may refuse probation conditioned on the performance of free work.

If he **or she** does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him **or her** if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287.

4. In addition to such other authority as exists to order conditions of probation, in the case of a [plea of guilty or a] finding of guilt, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

5. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

6. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

7. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

559.036. DURATION OF PROBATION — REVOCATION. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed

at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him **or her** on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class [C or] D or E felony or an offense listed in chapter [195] **579 or an offense previously listed in chapter 195**; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the first degree, involuntary manslaughter in the second degree, [aggravated] **stalking in the first degree**, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault [of a law enforcement officer in the second degree] **in the third degree when the victim is a special victim**, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy [or] , any case in which the defendant is found guilty of a felony offense under chapter 571, **or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017**;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

559.100. CIRCUIT COURTS, POWER TO PLACE ON PROBATION OR PAROLE — REVOCATION — CONDITIONS — RESTITUTION. — 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in [sections 195.275 to 195.296, section 558.018,] section 559.115, section 565.020, sections 566.030, 566.060, 566.067, **566.125**, 566.151, and [566.213] **566.210**, section 571.015, **section 579.170**, and subsection 3 of section 589.425.

2. The circuit court shall have the power to revoke the probation or parole previously granted under section 559.036 and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his [crime] **or her offense**. The probation or parole may be revoked under section 559.036 for failure to pay restitution or for failure to conform his **or her** behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

3. Restitution, whether court-ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.019, shall be paid through the office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an administrative handling cost. The cost shall be twenty-five dollars for restitution of less than one hundred dollars and fifty dollars for restitution of at least one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section.

4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office.

5. This fund may be audited by the state auditor's office or the appropriate auditing agency.

6. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution.

559.106. LIFETIME SUPERVISION OF CERTAIN SEXUAL OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN. — 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has [pleaded guilty to or has] been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, [or] 566.062, [based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense under section] 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August 28, 2006[.]; or

(2) **Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017**, against a victim who was less than fourteen years [old] of age and the offender is a prior sex offender as defined in subsection 2 of this section, the court shall order that the offender be supervised by the board of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously [pleaded guilty to or has] been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.110. BOND MAY BE REQUIRED — FORFEITURE. — When the defendant is granted probation or parole by the court, the court before or at the time of granting the probation or parole, may in its discretion require the defendant, with one or more sureties, to enter into bond to the state of Missouri in a sum to be fixed by the court, conditioned that he **or she** will appear in court as directed during the continuance of the probation or parole, and not depart without leave of court. The bond shall be approved by the court or by the clerk at the direction of the court and forfeiture may be taken and prosecuted to final judgment on the bond in the manner as provided by law in cases of bonds taken for appearance of persons awaiting trial upon information or indictment.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection

3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C [or] , class D, **or class E** nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section [558.018] **566.125**, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant [has pleaded guilty to or] has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's [first] incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; **or** an offender who has been found to be a predatory sexual offender pursuant to section [558.018] **566.125**; or any offense in which there exists a statutory prohibition against either probation or parole.

559.120. PROBATION MAY BE GRANTED, WHEN. — The circuit court may place a defendant on probation and require his **or her** participation in a program established pursuant to section 217.777 if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that:

(1) Traditional institutional confinement of the defendant is not necessary for the protection of the public, given adequate supervision; and

(2) The defendant is in need of guidance, training or other assistance which, in his **or her** case, can be effectively administered through participation in a community-based treatment program.

559.125. RECORD OF APPLICATIONS FOR PROBATION OR PAROLE TO BE KEPT — INFORMATION TO BE PRIVILEGED — EXCEPTIONS. — 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested

and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the state board of probation and parole, a copy of the order shall be sent to the board. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court or the board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his **or her** attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. MISDEMEANOR PROBATION MAY BE PROVIDED BY CONTRACT WITH PRIVATE ENTITIES, NOT TO EXCLUDE BOARD OF PROBATION AND PAROLE. — In cases where the board of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, [and] C, **and D** misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

559.604. COST OF MISDEMEANOR PROBATION TO BE PAID BY OFFENDERS, EXCEPTIONS. — Neither the state of Missouri nor any county of the state shall be required to pay any part of the cost of probation and rehabilitation services provided to misdemeanor offenders under sections 559.600 to 559.615. The person placed on probation shall contribute not less than thirty dollars or more than fifty dollars per month to the private entity providing him **or her** with supervision and rehabilitation services. The amount of the contribution shall be determined by the sentencing court. The court may exempt a person from all or part of the foregoing contribution if it finds any of the following factors to exist:

- (1) The offender has diligently attempted, but has been unable, to obtain employment which provides him **or her** sufficient income to make such payments;
- (2) The offender is a student in a school, college, university or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the court by the educational institution in which the offender is enrolled;
- (3) The offender has an employment handicap, as determined by a physical, psychological or psychiatric examination acceptable to or ordered by the court;
- (4) The offender's age prevents him **or her** from obtaining employment;
- (5) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender;
- (6) There are other extenuating circumstances as determined by the court to exempt or partially reduce such payments; or
- (7) The offender has been transferred outside the state under an interstate compact adopted pursuant to law.

559.633. COURT TO ORDER PARTICIPATION IN PROGRAM, WHEN — FEES DETERMINED BY DEPARTMENT OF CORRECTIONS — SUPPLEMENTAL FEE TO BE DEPOSITED IN CORRECTIONAL SUBSTANCE ABUSE EARNINGS FUND. — 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] **guilt for a felony offense** pursuant to chapter [195] **579**, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program.

2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the department of corrections pursuant to this section shall be deposited in the correctional substance abuse earnings fund created pursuant to section 559.635.

561.016. BASIS OF DISQUALIFICATION OR DISABILITY. — 1. No person shall suffer any legal disqualification or disability because of a finding of guilt or conviction of [a crime] **an offense** or the sentence on his conviction, unless the disqualification or disability involves the deprivation of a right or privilege which is:

- (1) Necessarily incident to execution of the sentence of the court; or
- (2) Provided by the constitution or the code; or
- (3) Provided by a statute other than the code, when the conviction is of [a crime] **an offense** defined by such statute; or
- (4) Provided by the judgment, order or regulation of a court, agency or official exercising a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission of the [crime] **offense** or the conviction or the sentence is reasonably related to the competency of the individual to exercise the right or privilege of which he **or she** is deprived.

2. Proof of a conviction as relevant evidence upon the trial or determination of any issue, or for the purpose of impeaching the convicted person as a witness, is not a disqualification or disability within the meaning of this chapter.

561.021. FORFEITURE OF PUBLIC OFFICE — DISQUALIFICATION. — 1. A person holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, who is convicted of [a crime] **an offense** shall, upon sentencing, forfeit such office if:

- (1) He **or she** is convicted under the laws of this state of a felony or under the laws of another jurisdiction of [a crime] **an offense** which, if committed within this state, would be a felony, or he **or she** pleads guilty or nolo contendere of such [a crime] **an offense**; or
- (2) He **or she** is convicted of or pleads guilty or nolo contendere to [a crime] **an offense** involving misconduct in office, or dishonesty; or
- (3) The constitution or a statute other than the code so provides.

2. Except as provided in subsection 3 of this section, a person who pleads guilty or nolo contendere or is convicted under the laws of this state of a felony or under the laws of another jurisdiction of [a crime] **an offense** which, if committed within this state, would be a felony, shall be ineligible to hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, until the completion of his **or her** sentence or period of probation.

3. A person who pleads guilty or nolo contendere or is convicted under the laws of this state or under the laws of another jurisdiction of a felony connected with the exercise of the right of suffrage shall be forever disqualified from holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof.

561.026. DISQUALIFICATION FROM VOTING AND JURY SERVICE. — Notwithstanding any other provision of law except for section 610.140, a person who is convicted:

- (1) Of any [crime] offense shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment;
- (2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;
- (3) Of any felony shall be forever disqualified from serving as a juror.

562.011. VOLUNTARY ACT. — 1. A person is not guilty of an offense unless his **or her** liability is based on conduct which includes a voluntary act.

2. A "voluntary act" is
 - (1) A bodily movement performed while conscious as a result of effort or determination;or
 - (2) An omission to perform an act of which the actor is physically capable.
 3. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his **or her** control for a sufficient time to have enabled him **or her** to dispose of it or terminate his **or her** control.
 4. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

[564.011.] 562.012. ATTEMPT — GUILT FOR AN OFFENSE MAY BE BASED ON. — 1. [A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he does] **Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs** any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

2. It is no defense to a prosecution [under this section] that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

3. Unless otherwise [provided, an attempt to commit an offense is a:

- (1) Class B felony if the offense attempted is a class A felony.
- (2) Class C felony if the offense attempted is a class B felony.
- (3) Class D felony if the offense attempted is a class C felony.
- (4) Class A misdemeanor if the offense attempted is a class D felony.
- (5) Class C misdemeanor if the offense attempted is a misdemeanor of any degree] **set forth in the statute creating the offense, when guilt for a felony or misdemeanor is based upon an attempt to commit that offense, the felony or misdemeanor shall be classified one step lower than the class provided for the felony or misdemeanor in the statute creating the offense.**

[564.016.] 562.014. CONSPIRACY — GUILT FOR AN OFFENSE MAY BE BASED ON. — 1. [A person is guilty of conspiracy with another person or persons to commit an offense if] **Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating [its commission he] the commission of an offense,**

agrees with [such other] **another** person or persons that they or one or more of them will engage in conduct which constitutes such offense.

2. [If a person guilty of conspiracy knows that a person with whom he conspires to commit an offense has conspired with another person or persons to commit the same offense, he is guilty of conspiring with such other person or persons to commit such offense, whether or not he knows their identity] **It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.**

3. If a person conspires to commit a number of offenses, he [is] **or she can be found** guilty of only one [conspiracy] **offense** so long as such multiple offenses are the object of the same agreement.

4. No person may be convicted of [conspiracy to commit] an offense **based upon a conspiracy to commit an offense** unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him **or her** or by a person with whom he **or she** conspired.

5. (1) No [one] **person** shall be convicted of [conspiracy] **an offense based upon a conspiracy to commit an offense** if, after conspiring to commit the offense, he **or she** prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his **or her** criminal purpose.

(2) The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under subdivision (1) of this subsection.

6. For the purpose of time limitations on prosecutions:

(1) [Conspiracy] **A conspiracy to commit an offense** is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he **or she** conspired.

(2) If an individual abandons the agreement, the conspiracy is terminated as to him **or her** only if he **or she** advises those with whom he **or she** has conspired of his **or her** abandonment or he **or she** informs the law enforcement authorities of the existence of the conspiracy and of his **or her** participation in it.

7. A person [may] **shall** not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

8. Unless otherwise [provided, a conspiracy to commit an offense is a:

(1) Class B felony if the object of the conspiracy is a class A felony.

(2) Class C felony if the object of the conspiracy is a class B felony.

(3) Class D felony if the object of the conspiracy is a class C felony.

(4) Class A misdemeanor if the object of the conspiracy is a class D felony.

(5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree or an infraction] **set forth in the statute creating the offense, when guilt for a felony or misdemeanor is based upon a conspiracy to commit that offense, the felony or misdemeanor shall be classified one step lower than the class provided for the felony or misdemeanor in the statute creating the offense.**

562.016. CULPABLE MENTAL STATE. — 1. Except as provided in section 562.026, a person is not guilty of an offense unless he **or she** acts with a culpable mental state, that is, unless he **or she** acts purposely or knowingly or recklessly or with criminal negligence, as the statute defining the offense may require with respect to the conduct, the result thereof or the attendant circumstances which constitute the material elements of the crime.

2. A person "acts purposely", or with purpose, with respect to his **or her** conduct or to a result thereof when it is his **or her** conscious object to engage in that conduct or to cause that result.

3. A person "acts knowingly", or with knowledge,
 - (1) With respect to his **or her** conduct or to attendant circumstances when he **or she** is aware of the nature of his **or her** conduct or that those circumstances exist; or
 - (2) With respect to a result of his **or her** conduct when he **or she** is aware that his **or her** conduct is practically certain to cause that result.
4. A person "acts recklessly" or is reckless when he **or she** consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.
5. A person "acts with criminal negligence" or is criminally negligent when he **or she** fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

562.031. IGNORANCE AND MISTAKE. — 1. A person is not relieved of criminal liability for conduct because he **or she** engages in such conduct under a mistaken belief of fact or law unless such mistake negatives the existence of the mental state required by the offense.

2. A person is not relieved of criminal liability for conduct because he **or she** believes his **or her** conduct does not constitute an offense unless his **or her** belief is reasonable and:

(1) The offense is defined by an administrative regulation or order which is not known to him **or her** and has not been published or otherwise made reasonably available to him **or her**, and he **or she** could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him **or her**; or

(2) He **or she** acts in reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in:

- (a) A statute;
- (b) An opinion or order of an appellate court; **or**
- (c) An official interpretation of the statute, regulation or order defining the offense made by a public official or agency legally authorized to interpret such statute, regulation or order.

3. The burden of injecting the issue of reasonable belief that conduct does not constitute an offense under subdivisions (1) and (2) of subsection 2 **of this section** is on the defendant.

562.036. ACCOUNTABILITY FOR CONDUCT. — A person with the required culpable mental state is guilty of an offense if it is committed by his **or her** own conduct or by the conduct of another person for which he **or she** is criminally responsible, or both.

562.041. RESPONSIBILITY FOR THE CONDUCT OF ANOTHER. — 1. A person is criminally responsible for the conduct of another when:

- (1) The statute defining the offense makes him **or her** so responsible; or
- (2) Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he **or she** aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.

2. However, a person is not so responsible if:

- (1) He **or she** is the victim of the offense committed or attempted;
- (2) The offense is so defined that his **or her** conduct was necessarily incident to the commission or attempt to commit the offense. If his **or her** conduct constitutes a related but separate offense, he **or she** is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person;

(3) Before the commission of the offense [he] **such person** abandons his **or her** purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

3. The defense provided by subdivision (3) of subsection 2 **of this section** is an affirmative defense.

562.051. CONVICTION OF DIFFERENT DEGREES OF OFFENSES. — Except as otherwise provided, when two or more persons are criminally responsible for an offense which is divided into degrees, each person is guilty of such degree as is compatible with his **or her** own culpable mental state and with his **or her** own accountability for an aggravating or mitigating fact or circumstance.

562.056. LIABILITY OF CORPORATIONS AND UNINCORPORATED ASSOCIATIONS. — 1. A corporation is guilty of an offense if:

(1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or

(2) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his **or her** employment and in behalf of the corporation, and the offense is a misdemeanor or an infraction, or the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on a corporation; or

(3) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his **or her** employment and in behalf of the corporation.

2. An unincorporated association is guilty of an offense if:

(1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the association by law; or

(2) The conduct constituting the offense is engaged in by an agent of the association while acting within the scope of his **or her** employment and in behalf of the association and the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on the association.

3. As used in this section:

(1) "Agent" means any director, officer or employee of a corporation or unincorporated association or any other person who is authorized to act in behalf of the corporation or unincorporated association;

(2) "High managerial agent" means an officer of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

562.061. LIABILITY OF INDIVIDUAL FOR CONDUCT OF CORPORATION OR UNINCORPORATED ASSOCIATION. — A person is criminally liable for conduct constituting an offense which he **or she** performs or causes to be performed in the name of or in behalf of a corporation or unincorporated association to the same extent as if such conduct were performed in his **or her** own name or behalf.

562.066. ENTRAPMENT. — 1. The commission of acts which would otherwise constitute an offense is not criminal if the actor engaged in the prescribed conduct because he **or she** was entrapped by a law enforcement officer or a person acting in cooperation with such an officer.

2. An "entrapment" is perpetuated if a law enforcement officer or a person acting in cooperation with such an officer, for the purpose of obtaining evidence of the commission of an offense, solicits, encourages or otherwise induces another person to engage in conduct when he **or she** was not ready and willing to engage in such conduct.

3. The relief afforded by subsection 1 **of this section** is not available as to any crime which involves causing physical injury to or placing in danger of physical injury a person other than the person perpetrating the entrapment.

4. The defendant shall have the burden of injecting the issue of entrapment.

562.071. DURESS. — 1. It is an affirmative defense that the defendant engaged in the conduct charged to constitute an offense because he **or she** was coerced to do so, by the use of, or threatened imminent use of, unlawful physical force upon him **or her** or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist.

2. The defense of "duress" as defined in subsection 1 is not available:

- (1) As to the crime of murder;
- (2) As to any offense when the defendant recklessly places himself **or herself** in a situation in which it is probable that he **or she** will be subjected to the force or threatened force described in subsection 1 **of this section**.

562.076. INTOXICATED OR DRUGGED CONDITION. — 1. A person who is in an intoxicated or drugged condition, whether from alcohol, drugs or other substance, is criminally responsible for conduct unless such condition is involuntarily produced and deprived him **or her** of the capacity to know or appreciate the nature, quality or wrongfulness of his **or her** conduct.

2. The defendant shall have the burden of injecting the issue of intoxicated or drugged condition.

3. Evidence that a person was in a voluntarily intoxicated or drugged condition may be admissible when otherwise relevant on issues of conduct but in no event shall it be admissible for the purpose of negating a mental state which is an element of the offense. In a trial by jury, the jury shall be so instructed when evidence that a person was in a voluntarily intoxicated or drugged condition has been received into evidence.

562.086. LACK OF RESPONSIBILITY BECAUSE OF MENTAL DISEASE OR DEFECT. — 1. A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he was incapable of knowing and appreciating the nature, quality or wrongfulness of his **or her** conduct.

2. The procedures for the defense of lack of responsibility because of mental disease or defect are governed by the provisions of chapter 552.

563.021. EXECUTION OF PUBLIC DUTY. — 1. Unless inconsistent with the provisions of this chapter defining the justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when such conduct is required or authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions and decrees are:

- (1) Laws defining duties and functions of public servants;
- (2) Laws defining duties of private persons to assist public servants in the performance of their functions;
- (3) Laws governing the execution of legal process;
- (4) Laws governing the military services and the conduct of war;
- (5) Judgments and orders of courts.

2. The defense of justification afforded by subsection 1 of this section applies:

(1) When a person reasonably believes his **or her** conduct to be required or authorized by the judgment or directions of a competent court or tribunal or in the legal execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process;

(2) When a person reasonably believes his **or her** conduct to be required or authorized to assist a public servant in the performance of his **or her** duties, notwithstanding that the public servant exceeded his **or her** legal authority.

3. The defendant shall have the burden of injecting the issue of justification under this section.

563.026. JUSTIFICATION GENERALLY. — 1. Unless inconsistent with other provisions of this chapter defining justifiable use of physical force, or with some other provision of law,

conduct which would otherwise constitute any [crime] **offense** other than a class A felony or murder is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury sought to be prevented by the statute defining the [crime] **offense** charged.

2. The necessity and justifiability of conduct under subsection 1 **of this section** may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder. Whenever evidence relating to the defense of justification under this section is offered, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

3. The defense of justification under this section is an affirmative defense.

563.046. LAW ENFORCEMENT OFFICER'S USE OF FORCE IN MAKING AN ARREST. — 1.

A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he **or she** reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, [he] a **law enforcement officer** is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he **or she** reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified in using deadly force only:

- (1) When [such is] **deadly force is** authorized under other sections of this chapter; or
- (2) When he **or she** reasonably believes that such use of deadly force is immediately necessary to effect the arrest and also reasonably believes that the person to be arrested:
 - (a) Has committed or attempted to commit a felony; or
 - (b) Is attempting to escape by use of a deadly weapon; or
 - (c) May otherwise endanger life or inflict serious physical injury unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.051. PRIVATE PERSON'S USE OF FORCE IN MAKING AN ARREST. — 1.

A private person who has been directed by a person he **or she** reasonably believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent escape from custody may, subject to the limitations of subsection 3 **of this section**, use physical force when and to the extent that he **or she** reasonably believes such to be necessary to carry out such officer's direction unless he **or she** knows or believes that the arrest or prospective arrest is not or was not authorized.

2. A private person acting on his **or her** own account may, subject to the limitations of subsection 3 **of this section**, use physical force to [effect] arrest or prevent **the** escape [only when and to the extent such is immediately necessary to effect the arrest, or to prevent escape from custody,] of a person whom [he] **such private person** reasonably believes [to have] **has** committed [a crime] **an offense**, and who in fact has committed such [crime] **offense**, **when the private person's actions are immediately necessary to arrest the offender or prevent his or her escape from custody.**

3. A private person in effecting an arrest or in preventing escape from custody is justified in using deadly force only:

- (1) When [such is] **deadly force is** authorized under other sections of this chapter; or
- (2) When he **or she** reasonably believes [such to be] **deadly force is** authorized under the circumstances and he **or she** is directed or authorized by a law enforcement officer to use deadly force; or
- (3) When he **or she** reasonably believes such use of deadly force is immediately necessary to [effect the] arrest [of] a person who at that time and in his **or her** presence:
 - (a) Committed or attempted to commit a class A felony or murder; or
 - (b) Is attempting to escape by use of a deadly weapon.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.056. USE OF FORCE TO PREVENT ESCAPE FROM CONFINEMENT. — 1. A guard or other law enforcement officer may, subject to the provisions of subsection 2 **of this section**, use physical force when he reasonably believes such to be immediately necessary to prevent escape from confinement or in transit thereto or therefrom.

2. A guard or other law enforcement officer may use deadly force under circumstances described in subsection 1 **of this section** only:

- (1) When such use of deadly force is authorized under other sections of this chapter; or
- (2) When he **or she** reasonably believes there is a substantial risk that the escapee will endanger human life or cause serious physical injury unless the escape is prevented.

3. The defendant shall have the burden of injecting the issue of justification under this section.

563.061. USE OF FORCE BY PERSONS WITH RESPONSIBILITY FOR CARE, DISCIPLINE OR SAFETY OF OTHERS. — 1. The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and

(1) The actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

(2) The force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain or extreme emotional distress.

2. A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use whatever physical force, including deadly force, that is authorized by law.

3. The use of physical force by an actor upon another person is justifiable when the actor is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the actor reasonably believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly force may be used only when the actor reasonably believes it necessary to prevent death or serious physical injury.

4. The use of physical force by an actor upon another person is justified when the actor is a physician or a person assisting at his **or her** direction; and

(1) The force is used for the purpose of administering a medically acceptable form of treatment which the actor reasonably believes to be adapted to promoting the physical or mental health of the patient; and

(2) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of the parent, guardian, or other person legally

competent to consent on his **or her** behalf, or the treatment is administered in an emergency when the actor reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

5. The use of physical force by an actor upon another person is justifiable when the actor acts under the reasonable belief that

(1) Such other person is about to commit suicide or to inflict serious physical injury upon himself **or herself**; and

(2) The force used is necessary to thwart such result.

6. The defendant shall have the burden of injecting the issue of justification under this section.

563.070. ACCIDENTS AN EXCUSE FOR OFFENSE, WHEN. — 1. Conduct which would otherwise constitute [a crime] **an offense** under chapter 565 is excusable and not criminal when it is the result of accident in any lawful act by lawful means without knowingly causing or attempting to cause physical injury and without acting with criminal negligence.

2. The defendant shall have the burden of injecting the issue of excuse authorized under this section.

565.002. DEFINITIONS. — As used in this chapter, unless a different meaning is otherwise plainly required **the following terms mean:**

(1) "Adequate cause" [means] , cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "**Child**", a person under seventeen years of age;

(3) "Conduct", includes any act or omission;

(4) "**Course of conduct**", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

(5) "Deliberation" means cool reflection for any length of time no matter how brief;

(4) "Intoxicated condition" means under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(5) "Operates" means physically driving or operating or being in actual physical control of a motor vehicle;

(6) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;]

(6) "**Domestic victim**", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

(7) "**Emotional distress**", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

(8) "**Full or partial nudity**", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

(9) "**Legal custody**", the right to the care, custody and control of a child;

(10) "**Parent**", either a biological parent or a parent by adoption;

(11) "**Person having a right of custody**", a parent or legal guardian of the child;

(12) "**Photographs**" or "**films**", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

(13) "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

(14) "Special victim", any of the following:

(a) A law enforcement officer assaulted in the performance of official duties or as a direct result of such official duties;

(b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of official duties or as a direct result of such official duties;

(c) A probation and parole officer assaulted in the performance of official duties or as a direct result of such official duties;

(d) An elderly person;

(e) A person with a disability;

(f) A vulnerable person;

(g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of official duties or as a direct result of such official duties;

(h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580;

(i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract;

(j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and

(k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties;

[(7)] (15) "Sudden passion" [means] , passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;

[(8)] (16) "Trier" [means] , the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision;

(17) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.

565.004. JOINDER OF OFFENSES, EXCEPTION — PRIOR OFFENDERS, PROCEDURE, EXCEPTION, FIRST DEGREE MURDER — JOINDER, FIRST DEGREE MURDER, WAIVER OF DEATH PENALTY. — 1. Each homicide offense which is lawfully joined in the same indictment or information together with any homicide offense or offense other than a homicide shall be charged together with such offense in separate counts. A count charging any offense of homicide may only be charged and tried together with one or more counts of any other homicide or offense other than a homicide as provided in subsection 2 of section 545.140. Except as provided in subsections 2, 3, and 4 of this section, no murder in the first degree offense may be tried together with any offense other than murder in the first degree. In the event of a joinder of homicide offenses, all offenses charged which are supported by the evidence in the case, together with all proper lesser offenses under section [565.025] **565.029**, shall, when requested by one of the parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge.

2. A count charging any offense of homicide of a particular individual may be joined in an indictment or information and tried with one or more counts charging alternatively any other

homicide or offense other than a homicide committed against that individual. The state shall not be required to make an election as to the alternative count on which it will proceed. This subsection in no way limits the right to try in the conjunctive, where they are properly joined under subsection 1 of this section, either separate offenses other than murder in the first degree or separate offenses of murder in the first degree committed against different individuals.

3. When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558 so that the judge shall assess punishment and not a jury for an offense other than murder in the first degree, that offense may be tried and submitted to the trier together with any murder in the first degree charge with which it is lawfully joined. In such case the judge will assess punishment on any offense joined with a murder in the first degree charge according to law and, when the trier is a jury, it shall be instructed upon punishment on the charge of murder in the first degree in accordance with section 565.030.

4. When the state waives the death penalty for a murder first degree offense, that offense may be tried and submitted to the trier together with any other charge with which it is lawfully joined.

[565.080.] 565.010. CONSENT AS A DEFENSE. — 1. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:

(1) The physical injury consented to or threatened by the conduct is not serious physical injury; or

(2) The conduct and the harm are reasonably foreseeable hazards of:

(a) The victim's occupation or profession; or

(b) Joint participation in a lawful athletic contest or competitive sport; or

(3) The consent establishes a justification for the conduct under chapter 563 of this code.

2. The defendant shall have the burden of injecting the issue of consent.

565.021. SECOND DEGREE MURDER, PENALTY. — 1. A person commits the [crime] **offense** of murder in the second degree if he **or she**:

(1) Knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person; or

(2) Commits or attempts to commit any felony, and, in the perpetration or the attempted perpetration of such felony or in the flight from the perpetration or attempted perpetration of such felony, another person is killed as a result of the perpetration or attempted perpetration of such felony or immediate flight from the perpetration of such felony or attempted perpetration of such felony.

2. **The offense of** murder in the second degree is a class A felony, and the punishment for second degree murder shall be in addition to the punishment for commission of a related felony or attempted felony, other than murder or manslaughter.

3. Notwithstanding section 556.046 and section [565.025] **565.029**, in any charge of murder in the second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge shall consider, any and all of the subdivisions in subsection 1 of this section which are supported by the evidence and requested by one of the parties or the court.

565.023. VOLUNTARY MANSLAUGHTER, PENALTY — UNDER INFLUENCE OF SUDDEN PASSION, DEFENDANT'S BURDEN TO INJECT. — 1. A person commits the [crime] **offense** of voluntary manslaughter if he **or she**:

(1) Causes the death of another person under circumstances that would constitute murder in the second degree under subdivision (1) of subsection 1 of section 565.021, except that he **or she** caused the death under the influence of sudden passion arising from adequate cause; or

(2) Knowingly assists another in the commission of self-murder.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. **The offense of voluntary manslaughter is a class B felony.**

565.024. INVOLUNTARY MANSLAUGHTER, FIRST DEGREE, PENALTY. — 1. A person commits the [crime] **offense** of involuntary manslaughter in the first degree if he or she]:

(1) recklessly causes the death of another person]; or

(2) While in an intoxicated condition operates a motor vehicle or vessel in this state and, when so operating, acts with criminal negligence to cause the death of any person; or

(3) While in an intoxicated condition operates a motor vehicle or vessel in this state, and, when so operating, acts with criminal negligence to:

(a) Cause the death of any person not a passenger in the vehicle or vessel operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or vessel leaving the water; or

(b) Cause the death of two or more persons; or

(c) Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

(4) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when so operating, acts with criminal negligence to cause the death of any person authorized to operate an emergency vehicle, as defined in section 304.022, while such person is in the performance of official duties;

(5) Operates a vessel in violation of subsections 1 and 2 of section 306.132, and when so operating acts with criminal negligence to cause the death of any person authorized to operate an emergency watercraft, as defined in section 306.132, while such person is in the performance of official duties].

2. **The offense of involuntary manslaughter in the first degree [under subdivision (1) or (2) of subsection 1 of this section] is a class C felony. [Involuntary manslaughter in the first degree under subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent of his or her sentence. Any violation of subdivisions (4) and (5) of subsection 1 of this section is a class B felony.**

3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.]

565.027. INVOLUNTARY MANSLAUGHTER, SECOND DEGREE, PENALTY. — 1. **A person commits the offense of involuntary manslaughter in the second degree if he or she acts with criminal negligence to cause the death of any person.**

2. **The offense of involuntary manslaughter in the second degree is a class E felony.**

[565.025.] 565.029. LESSER DEGREE OFFENSES IN HOMICIDE CASES — INSTRUCTION ON LESSER OFFENSES, WHEN. — 1. With the exceptions provided in subsection 3 of this section and subsection 3 of section 565.021, section 556.046 shall be used for the purpose of consideration of lesser offenses by the trier in all homicide cases.

2. The following lists shall comprise, in the order listed, the lesser degree offenses:

(1) The lesser degree offenses of murder in the first degree are:

(a) Murder in the second degree under subdivisions (1) and (2) of subsection 1 of section 565.021;

(b) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023; [and]

(c) Involuntary manslaughter [under subdivision (1) of subsection 1 of section 565.024] **in the first degree; and**

(d) Involuntary manslaughter in the second degree;

(2) The lesser degree offenses of murder in the second degree are:

(a) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023; [and]

(b) Involuntary manslaughter [under subdivision (1) of subsection 1 of section 565.024] **in the first degree; and**

(c) Involuntary manslaughter in the second degree.

3. No instruction on a lesser included offense shall be submitted unless requested by one of the parties or the court.

565.035. SUPREME COURT TO REVIEW ALL DEATH SENTENCES, PROCEDURE — POWERS OF COURT — ASSISTANT TO COURT AUTHORIZED, DUTIES. — 1. Whenever the death penalty is imposed in any case, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court together with a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Missouri.

2. The supreme court of Missouri shall consider the punishment as well as any errors enumerated by way of appeal.

3. With regard to the sentence, the supreme court shall determine:

(1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and

(2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance found;

(3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the [crime] **offense**, the strength of the evidence and the defendant.

4. Both the defendant and the state shall have the right to submit briefs within the time provided by the supreme court, and to present oral argument to the supreme court.

5. The supreme court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the supreme court, with regard to review of death sentences, shall be authorized to:

(1) Affirm the sentence of death; or

(2) Set the sentence aside and resentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor; or

(3) Set the sentence aside and remand the case for retrial of the punishment hearing. A new jury shall be selected or a jury may be waived by agreement of both parties and then the punishment trial shall proceed in accordance with this chapter, with the exception that the evidence of the guilty verdict shall be admissible in the new trial together with the official transcript of any testimony and evidence properly admitted in each stage of the original trial where relevant to determine punishment.

6. There shall be an assistant to the supreme court, who shall be an attorney appointed by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate the records of all cases in which the sentence of death or life imprisonment without probation or parole was imposed after May 26, 1977, or such earlier date as the court may deem appropriate. The assistant shall provide the court with whatever extracted information the court desires with respect thereto, including but not limited to a synopsis or brief of the facts in the

record concerning the [crime] offense and the defendant. The court shall be authorized to employ an appropriate staff, within the limits of appropriations made for that purpose, and such methods to compile such data as are deemed by the supreme court to be appropriate and relevant to the statutory questions concerning the validity of the sentence. The office of the assistant to the supreme court shall be attached to the office of the clerk of the supreme court for administrative purposes.

7. In addition to the mandatory sentence review, there shall be a right of direct appeal of the conviction to the supreme court of Missouri. This right of appeal may be waived by the defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

565.050. ASSAULT, FIRST DEGREE, PENALTY. — 1. A person commits the [crime] offense of assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to another person.

2. **The offense of** assault in the first degree is a class B felony unless in the course thereof the [actor] person inflicts serious physical injury on the victim, **or if the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002**, in which case it is a class A felony.

[565.060.] 565.052. ASSAULT, SECOND DEGREE, PENALTY. — 1. A person commits the [crime] offense of assault in the second degree if he or she:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) [While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5)] Recklessly causes physical injury to another person by means of discharge of a firearm]; or

(6) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when so operating, acts with criminal negligence to cause physical injury to any person authorized to operate an emergency vehicle, as defined in section 304.022, while such person is in the performance of official duties].

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. **The offense of** assault in the second degree is a class [C] D felony, **unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B felony.**

[565.070.] 565.054. ASSAULT IN THE THIRD DEGREE. — 1. A person commits the [crime] offense of assault in the third degree if:

(1) The person attempts to cause or recklessly causes physical injury to another person; or

(2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or

(3) The person purposely places another person in apprehension of immediate physical injury; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

(5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

(6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, which a reasonable person, who is not incapacitated, would consider offensive or provocative.

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010 is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members] **he or she knowingly causes physical injury to another person.**

2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class D felony.

565.056. ASSAULT IN THE FOURTH DEGREE. — 1. A person commits the offense of assault in the fourth degree if:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person;

(2) With criminal negligence the person causes physical injury to another person by means of a firearm;

(3) The person purposely places another person in apprehension of immediate physical injury;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor.

3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor unless the victim is a special victim, as the term "special victim" is defined under section 565.002, in which case a violation of such provisions is a class A misdemeanor.

565.072. DOMESTIC ASSAULT, FIRST DEGREE —PENALTY. — 1. A person commits the [crime] offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] **domestic victim, as the term "domestic victim" is defined under section 565.002.**

2. **The offense of domestic assault in the first degree is a class B felony unless in the course thereof the [actor] person inflicts serious physical injury on the victim [or has previously pleaded guilty to or been found guilty of committing this crime], in which case it is a class A felony.**

565.073. DOMESTIC ASSAULT, SECOND DEGREE —PENALTY. — 1. A person commits the [crime] offense of domestic assault in the second degree if the act involves a [family or

household member, including any child who is a member of the family or household, as defined in section 455.010] **domestic victim, as the term "domestic victim" is defined under section 565.002**, and he or she:

(1) [Attempts to cause or] Knowingly causes physical injury to such family or household member by any means, including but not limited to, [by] use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. **The offense of domestic assault in the second degree is a class [C] D felony.**

565.074. DOMESTIC ASSAULT, THIRD DEGREE — PENALTY. — 1. A person commits the [crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members] **offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.**

2. **The offense of domestic assault in the third degree is a class E felony.**

565.076. DOMESTIC ASSAULT IN THE FOURTH DEGREE, PENALTY. — 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

(2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

(3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

(5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of assault of a domestic victim two or more times, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

[565.063.] 565.079. PRIOR AND PERSISTENT ASSAULT OFFENDERS — DEFINITIONS — SENTENCING — PROCEDURE AT TRIAL — EVIDENCE OF PRIOR CONVICTIONS, PROOF, HOW HEARD — SENTENCING.— 1. As used in this section, the following terms mean:

(1) "[Domestic] Assault offense":

(a) The commission of the crime of domestic assault in the first degree or domestic assault in the second degree; or

(b) The commission of the crime of assault in the first degree or assault in the second degree if the victim of the assault was a family or household member;

(c) The commission of a crime in another state, or any federal, tribal, or military offense which, if committed in this state, would be a violation of any offense listed in paragraph (a) or (b) of this subdivision;

(2) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3), the offenses of murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter in the first degree, assault in the first degree, assault in the second degree, assault in the third degree, assault in the fourth degree, domestic assault in the first degree, domestic assault in the second degree, domestic assault in the third degree, domestic assault in the fourth degree, or an attempt to commit any of these offenses, or the commission of an offense in another jurisdiction that if committed in this state would constitute the commission of any of the listed offenses;

(2) "Persistent [domestic violence] assault offender", a person who has [pleaded guilty to or has] been found guilty of two or more [domestic] assault offenses, where such two or more offenses occurred within ten years of the occurrence of the [domestic] assault offense for which the person is charged; and

[(4)] (3) "Prior [domestic violence] assault offender", a person who has [pleaded guilty to or has] been found guilty of one [domestic] assault offense, where such prior offense occurred within five years of the occurrence of the [domestic] assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent [domestic violence] assault offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months' imprisonment.

3. The court shall find the defendant to be a prior [domestic violence] assault offender or persistent [domestic violence] assault offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior [domestic violence] assault offender or persistent [domestic violence] assault offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior [domestic violence] **assault** offender or persistent [domestic violence] **assault** offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior [domestic violence] **assault** offender or persistent [domestic violence] **assault** offender.

4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

8. Nothing in this section shall prevent the use of presentence investigations or commitments.

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of [guilty] **guilt**, to assess and declare the punishment as part of its verdict in cases of prior [domestic violence] **assault** offenders or persistent [domestic violence] **assault** offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. [Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, or chapter 568 within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

14. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.

15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:

(1) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or

(2) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender] **The court shall sentence a person, who has been found to be a prior assault offender, and is found guilty of a class B, C, or D felony under this chapter to the authorized term of imprisonment for the class one class step higher than the offense for which the person was found guilty.**

14. The court shall sentence a person, who has been found to be a persistent assault offender, and is found guilty of a class C or D felony under this chapter to the authorized term of imprisonment for the class two steps higher than the offense for which the person was found guilty. A person found to be a persistent assault offender who is found guilty of a class B felony shall be sentenced to the authorized term of imprisonment for a class A felony.

565.090. HARASSMENT, FIRST DEGREE, PENALTY. — 1. A person commits the [crime] **offense of harassment in the first degree** if he or she]:

(1) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or

(2) When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or

(3) Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or

(4) Knowingly communicates with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person; or

(5) Knowingly makes repeated unwanted communication to another person; or

(6) Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person] , **without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.**

2. **The offense of harassment** [is a class A misdemeanor unless:

(1) Committed by a person twenty-one years of age or older against a person seventeen years of age or younger; or

(2) The person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this subsection. In such cases, harassment shall be a class D felony] **in the first degree is a class E felony.**

3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

565.091. HARRASSMENT, SECOND DEGREE, PENALTY. — 1. **A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.**

2. **The offense of harassment in the second degree is a class A misdemeanor.**

565.110. KIDNAPPING, FIRST DEGREE, PENALTY. — 1. A person commits the [crime] **offense of kidnapping in the first degree** if he or she unlawfully removes another **person** without his or her consent from the place where he or she is found or unlawfully confines another **person** without his or her consent for a substantial period, for the purpose of:

(1) Holding that person for ransom or reward, or for any other act to be performed or not performed for the return or release of that person; or

(2) Using the person as a shield or as a hostage; or

(3) Interfering with the performance of any governmental or political function; or

(4) Facilitating the commission of any felony or flight thereafter; or

(5) Inflicting physical injury on or terrorizing the victim or another.

2. **The offense of kidnapping in the first degree** is a class A felony unless committed under subdivision (4) or (5) of subsection 1 **of this section** in which cases it is a class B felony.

565.115. CHILD KIDNAPPING — PENALTY. — 1. A person commits the [crime] **offense of child kidnapping** if [such person] **he or she** is not a relative of the child within the third degree and [such person]:

(1) Unlawfully removes a child under the age of fourteen without the consent of such child's parent or guardian from the place where such child is found; or

(2) Unlawfully confines a child under the age of fourteen without the consent of such child's parent or guardian] , **knowing he or she has no right to do so, removes a child under the age of fourteen without consent of the child's parents or guardian, or confines such child for a substantial period of time without such consent.**

2. In determining whether the child was removed or confined unlawfully, it is an affirmative defense that the person reasonably believed that the person's actions were necessary to preserve the child from danger to his or her welfare.

3. **The offense of child kidnapping is a class A felony.**

565.120. KIDNAPPING, SECOND DEGREE, PENALTY. — 1. A person commits the [crime of felonious restraint] **offense of kidnapping in the second degree** if he **or she** knowingly restrains another unlawfully and without consent so as to interfere substantially with his **or her** liberty and exposes him **or her** to a substantial risk of serious physical injury.

2. [Felonious restraint is a class C felony] **The offense of kidnapping in the second degree is a class D felony.**

565.130. KIDNAPPING, THIRD DEGREE, PENALTY. — 1. A person commits the [crime of false imprisonment] **offense of kidnapping in the third degree** if he **or she** knowingly restrains another unlawfully and without consent so as to interfere substantially with his **or her** liberty.

2. [False imprisonment] **The offense of kidnapping in the third degree** is a class A misdemeanor unless the person unlawfully restrained is removed from this state, in which case it is a class [D] **E** felony.

565.140. DEFENSES TO KIDNAPPING IN THE THIRD DEGREE. — 1. A person does not commit [false imprisonment] **the offense of kidnapping in the third degree** under section 565.130 if the person restrained is a child [under the age of] **less than seventeen years of age** and:

(1) A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or

(2) The [actor] **person** is a relative of the child; and

(a) The [actor's] **person's** sole purpose is to assume control of the child; and

(b) The child is not taken out of the state of Missouri.

2. For the purpose of this section, "relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.

3. The defendant shall have the burden of injecting the issue of a defense under this section.

565.150. INTERFERENCE WITH CUSTODY — PENALTY. — 1. A person commits the [crime] **offense of interference with custody** if, knowing that he **or she** has no legal right to do so, he **or she** takes or entices from legal custody any person entrusted by order of a court to the custody of another person or institution.

2. **The offense of** interference with custody is a class A misdemeanor unless the person taken or enticed away from legal custody is removed from this state, detained in another state or concealed, in which case it is a class [D] **E** felony.

3. **Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.**

565.153. PARENTAL KIDNAPPING — PENALTY. — 1. In the absence of a court order determining rights of custody or visitation to a child, a person having a right of custody of the child commits the [crime] **offense** of parental kidnapping if he **or she** removes, takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child.

2. Parental kidnapping is a class [D] **E** felony, unless committed by detaining or concealing the whereabouts of the child for:

(1) Not less than sixty days but not longer than one hundred nineteen days, in which case, the [crime] **offense** is a class [C] **D** felony;

(2) Not less than one hundred twenty days, in which case, the [crime] **offense** is a class B felony.

3. A subsequently obtained court order for custody or visitation shall not affect the application of this section.

4. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.

565.156. CHILD ABDUCTION — PENALTY. — 1. A person commits the [crime] **offense** of child abduction if he or she:

(1) Intentionally takes, detains, entices, conceals or removes a child from a parent after being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody; **or**

(2) At the expiration of visitation rights outside the state, intentionally fails or refuses to return or impedes the return of the child to the legal custodian in Missouri; **or**

(3) Conceals, detains, or removes the child for payment or promise of payment at the instruction of a person who has no legal right to custody; **or**

(4) Retains in this state for thirty days a child removed from another state without the consent of the legal custodian or in violation of a valid court order of custody; **or**

(5) Having legal custody of the child pursuant to a valid court order, removes, takes, detains, conceals or entices away that child within or without the state, without good cause, and with the intent to deprive the custody or visitation rights of another person, without obtaining written consent as is provided under section 452.377.

2. **The offense** of child abduction is a class [D] **E** felony.

3. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.

565.160. DEFENSES TO INTERFERENCE WITH CUSTODY, PARENTAL KIDNAPPING, AND CHILD ABDUCTION. — It shall be an absolute defense to the [crimes] **offenses** of **interference with custody**, parental kidnapping, and child abduction that:

(1) The person had custody of the child pursuant to a valid court order granting legal custody or visitation rights which existed at the time of the alleged violation, except that this defense is not available to persons charged with child abduction under subdivision (5) of subsection 1 of section 565.156;

(2) [The person had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond his or her control, and the person notified or made a reasonable attempt to notify the other parent or legal custodian of the child of such circumstances within twenty-four hours after the visitation period had expired and returned the child as soon as possible] **After expiration of a period of**

custody or visitation granted by court order, the person failed to return the child as a result of circumstances beyond such person's control, and the person notified or made a reasonable attempt to notify the other parent or legal custodian of the child of such circumstance within twenty-four hours after the expiration of the period of custody or visitation and returned the child as soon as possible; or

- (3) The person was fleeing an incident or pattern of domestic violence.

565.163. VENUE. — Persons accused of committing the [crime] offense of interference with custody, parental kidnapping or child abduction [shall] **may** be prosecuted by the prosecuting attorney or circuit attorney:

- (1) In the county in which the child was taken or enticed away from legal custody;
- (2) In any county in which the child who was taken or enticed away from legal custody was taken or held by the defendant;
- (3) The county in which lawful custody of the child taken or enticed away was granted; or
- (4) The county in which the defendant is found.

565.184. ABUSE OF AN ELDERLY PERSON, A PERSON WITH DISABILITY, OR A VULNERABLE PERSON — PENALTY. — 1. A person commits the [crime of elder abuse in the third degree] **offense of abuse of an elderly person, a person with a disability, or a vulnerable person** if he or she:

(1) [Knowingly causes or attempts to cause physical contact with any person sixty years of age or older or an eligible adult as defined in section 660.250, knowing the other person will regard the contact as harmful or provocative; or

(2)] Purposely engages in conduct involving more than one incident that causes [grave] emotional distress to [a person sixty years of age or older or an eligible adult, as defined in section 660.250] **an elderly person, a person with a disability, or a vulnerable person**. The course of conduct shall be such as would cause a reasonable [person age sixty years of age or older or an eligible adult, as defined in section 660.250,] **elderly person, person with a disability, or vulnerable person** to suffer substantial emotional distress; or

[(3) Purposely or knowingly places a person sixty years of age or older or an eligible adult, as defined in section 660.250, in apprehension of immediate physical injury; or

(4)] (2) Intentionally fails to provide care, goods or services to [a person sixty years of age or older or an eligible adult, as defined in section 660.250] **an elderly person, a person with a disability, or a vulnerable person**. The result of the conduct shall be such as would cause a reasonable [person age sixty or older or an eligible adult, as defined in section 660.250,] **elderly person, person with a disability, or vulnerable person** to suffer physical or emotional distress; or

[(5)] (3) Knowingly acts or knowingly fails to act in a manner which results in a [grave] **substantial** risk to the life, body or health of [a person sixty years of age or older or an eligible adult, as defined in section 660.250] **an elderly person, a person with a disability, or a vulnerable person**.

2. [Elder abuse in the third degree] **The offense of abuse of an elderly person, a person with a disability, or a vulnerable person** is a class A misdemeanor. **Nothing in this section shall be construed to mean that an elderly person, a person with a disability, or a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidence by such person's explicit consent, advance directive for health care, or practice.**

565.188. FAILURE TO REPORT ELDER ABUSE OR NEGLECT — PENALTY. — 1. [When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging

program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with responsibility for the care of a person sixty years of age or older has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances which would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department in accordance with the provisions of sections 660.250 to 660.295. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect may report to the department.

2. Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who purposely files a false report of elder abuse or neglect is guilty of a class A misdemeanor.

4. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of making a false report under subsection 3 of this section is guilty of a class D felony.

5. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions] **A person commits the offense of failure to report elder abuse or neglect if he or she is required to make a report as required under subdivision (2) of subsection 1 of section 197.1002, and knowingly fails to make a report.**

2. The offense of failure to report elder abuse or neglect is a class A misdemeanor.

565.189. FILING A FALSE ELDER ABUSE OR NEGLECT REPORT — PENALTY. — 1. A person commits the offense of filing a false elder abuse or neglect report if he or she knowingly files a false report of elder abuse or neglect.

2. The offense of filing a false elder abuse or neglect report is a class A misdemeanor, unless the person has previously been found guilty of making a false report to the department and is subsequently found guilty of making a false report under this section, in which case it is a class E felony.

3. Evidence of prior findings of guilt of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior findings of guilt.

565.218. FAILURE TO REPORT VULNERABLE PERSON ABUSE — OR NEGLECT — PENALTY. — 1. [When any physician, physician assistant, dentist, chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed professional counselor, certified substance abuse counselor, psychologist, physical therapist, pharmacist, other health practitioner, minister, Christian Science practitioner, facility administrator, nurse's aide or orderly in a residential facility, day program or specialized service operated, funded or licensed by the department or in a mental health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained pursuant to chapter 632; or employee of the departments of social services, mental health, or health and senior services; or home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; mental health professional; peace officer; probation or parole officer; or other

nonfamilial person with responsibility for the care of a vulnerable person, as defined by section 630.005, has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances that would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department in accordance with section 630.163. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect may report to the department. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.] **A person commits the offense of failure to report vulnerable person abuse or neglect if he or she is required to make a report under section 630.162 and knowingly fails to make a report.**

2. [Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars] **The offense of knowingly failing to make a report as required in this section is a class A misdemeanor and the offender shall be subject to a fine of up to one thousand dollars, unless the offender has previously been found guilty of failing to make a report as required in this section, in which case the offense is a class E felony and the offender shall be subject to a fine of up to five thousand dollars.** Penalties collected for violations of this section shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

3. Every person who has been previously convicted of or pled guilty to failing to make a report as required in subsection 1 of this section and who is subsequently convicted of failing to make a report under subsection 2 of this section is guilty of a class D felony and shall be subject to a fine up to five thousand dollars. Penalties collected for violation of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

4. Any person who knowingly files a false report of vulnerable person abuse or neglect is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

5. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of making a false report under subsection 4 of this section is guilty of a class D felony and shall be subject to a fine up to five thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

6. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

7. Any residential facility, day program or specialized service operated, funded or licensed by the department that prevents or discourages a patient, resident or client, employee or other person from reporting that a patient, resident or client of a facility, program or service has been abused or neglected shall be subject to loss of their license issued pursuant to sections 630.705 to 630.760, and civil fines of up to five thousand dollars for each attempt to prevent or discourage reporting.]

565.222. FILING A FALSE VULNERABLE PERSON ABUSE REPORT — PENALTY. — 1. A person commits the offense of filing a false vulnerable person abuse report if he or she knowingly files a false report of vulnerable person abuse or neglect.

2. The offense of filing a false report of vulnerable person abuse or neglect is a class A misdemeanor and the offender shall be subject to a fine of up to one thousand dollars, unless the offender has previously been found guilty of making a false report to the department, in which case the offense is a class E felony and the offender shall be subject to a fine of up to five thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

3. Evidence of prior findings of guilt under this section shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior findings of guilt.

565.225. STALKING, FIRST DEGREE, PENALTY. — 1. As used in this section and section 565.227, the [following terms shall mean:

(1) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat", a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property;

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed] **term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.**

2. A person commits the [crime] **offense of stalking in the first degree** if he or she purposely, through his or her course of conduct, [harasses] **disturbs** or follows with the intent of [harassing] **disturbing** another person[.

3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person,] and:

(1) Makes a [credible] threat **communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property;** or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person [harassing] **disturbing** the other person is twenty-one years of age or older; or

(5) He or she has previously [pleaded guilty to or] been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

[4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.

[6.] 3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

[7.] 4. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of **any** violation of federal, state, county, or municipal law.

5. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, in which case stalking in the first degree is a class D felony.

565.227. STALKING, SECOND DEGREE, PENALTY. — 1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.

2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.225, in which case stalking in the second degree is a class E felony.

[578.450.] 565.240. UNLAWFUL POSTING OF CERTAIN INFORMATION OVER THE INTERNET, PENALTY. — [No person shall] 1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly [post] posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. [Any person who violates this section is guilty of a class C misdemeanor.]

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor.

565.252. INVASION OF PRIVACY, PENALTY. — 1. A person commits the [crime] offense of invasion of privacy [in the first degree if such person] if he or she knowingly:

(1) [Knowingly] Photographs [or] , films, **videotapes, produces, or otherwise creates an image of** another person, without the person's [knowledge and] consent, while the person [being photographed or filmed] is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy[, and the] ; **or**

(2) **Photographs, films, videotapes, produces, or otherwise creates an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.**

2. Invasion of privacy is a class A misdemeanor unless:

(1) A person [subsequently] **who creates an image in violation of this section** distributes the [photograph or film] **image** to another or transmits the image [contained in the photograph or film] in a manner that allows access to that image via [a] computer; [or]

(2) [Knowingly] **A person** disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of [subdivision (1) of this subsection or in violation of section 565.253.

2. Invasion of privacy in the first degree is a class D felony] **this section;**

(3) **More than one person is viewed, photographed, filmed or videotaped during the same course of conduct; or**

(4) **The offense was committed by a person who has previously been found guilty of invasion of privacy;**

in which case invasion of privacy is a class E felony.

3. Prior findings of guilt shall be pleaded and proven in the same manner required by the provisions of section 558.021.

4. As used in this section, "same course of conduct" means more than one person has been viewed, photographed, filmed, or videotaped under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times.

565.300. INFANT'S PROTECTION ACT — DEFINITIONS — CRIME OF INFANTICIDE — PENALTY — EXCEPTION — APPLICATION OF LAW. — 1. This section shall be known and may be cited as the "Infant's Protection Act".

2. As used in this section, and only in this section, the following terms shall mean:

(1) "Born", complete separation of an intact child from the mother regardless of whether the umbilical cord is cut or the placenta detached;

(2) "Living infant", a human child, born or partially born, who is alive, as determined in accordance with the usual and customary standards of medical practice and is not dead as determined pursuant to section 194.005, relating to the determination of the occurrence of death, and has not attained the age of thirty days post birth;

(3) "Partially born", partial separation of a child from the mother with the child's head intact with the torso. If vaginally delivered, a child is partially separated from the mother when the head in a cephalic presentation, or any part of the torso above the navel in a breech presentation, is outside the mother's external cervical os. If delivered abdominally, a child is partially separated from the mother when the child's head in a cephalic presentation, or any part of the torso above the navel in a breech presentation, is outside the mother's external abdominal wall.

3. A person [is guilty of the crime] **commits the offense** of infanticide if [such person] **he or she** causes the death of a living infant with the purpose to cause said death by an overt act performed when the infant is partially born or born.

4. The [crime] **offense** of infanticide [shall be] **is** a class A felony.

5. A physician using procedures consistent with the usual and customary standards of medical practice to save the life of the mother during pregnancy or birth or to save the life of any

unborn or partially born child of the same pregnancy shall not be criminally responsible under this section. In no event shall the mother be criminally responsible pursuant to this section for the acts of the physician if the physician is not held criminally responsible pursuant to this section.

6. This section shall not apply to any person who performs or attempts to perform a legal abortion if the act that causes the death is performed prior to the child being partially born, even though the death of the child occurs as a result of the abortion after the child is partially born.

7. Only that person who performs the overt act required under subsection 3 of this section shall be culpable under this section, unless a person, with the purpose of committing infanticide, does any act which is a substantial step towards the commission of the offense which results in the death of the living infant. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

8. Nothing in this section shall be interpreted to exclude the defenses otherwise available to any person under the law including defenses provided pursuant to chapters 562 and 563.

566.010. CHAPTER 566 AND CHAPTER 568 DEFINITIONS. — As used in this chapter and chapter 568, the following terms mean:

(1) **"Aggravated sexual offense", any sexual offense, in the course of which, the actor:**

(a) **Inflicts serious physical injury on the victim; or**

(b) **Displays a deadly weapon or dangerous instrument in a threatening manner; or**

(c) **Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person; or**

(d) **Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;**

(e) **Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or**

(f) **Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:**

a. **Ancestor or descendant by blood or adoption;**

b. **Stepchild while the marriage creating that relationship exists;**

c. **Brother or sister of the whole or half blood; or**

d. **Uncle, aunt, nephew, or niece of the whole blood;**

(2) **"Commercial sex act", any sex act on account of which anything of value is given to or received by any person;**

(3) **"Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the [male or female sex organ] penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;**

(4) **"Forced labor", a condition of servitude induced by means of:**

(a) **Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or**

(b) **The abuse or threatened abuse of the legal process;**

[(2)] (5) **"Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;**

[3] (6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person **or for the purpose of terrorizing the victim;**

[4] (7) "Sexual intercourse", any penetration, however slight, of the [female sex organ by the male sex organ, whether or not an emission results] **female genitalia by the penis.**

566.020. MISTAKE AS TO AGE — CONSENT NOT A DEFENSE, WHEN. — 1. Whenever in this chapter the criminality of conduct depends upon a child being [thirteen] **less than fourteen** years of age [or younger], it is no defense that the defendant believed the child to be older.

2. Whenever in this chapter the criminality of conduct depends upon a child being [under] **less than** seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

3. Consent is not [an affirmative] **a** defense to any offense under **this** chapter [566] if the alleged victim is less than [twelve] **fourteen** years of age.

566.023. MARRIAGE TO VICTIM, AT TIME OF OFFENSE, AFFIRMATIVE DEFENSE, FOR CERTAIN OFFENSES. — It shall be an affirmative defense to prosecutions [pursuant to sections] **under sections** 566.032, 566.034, 566.062, 566.064, [566.068, and 566.090] **and 566.071**, that the defendant was married to the victim at the time of the offense.

566.030. RAPE IN THE FIRST DEGREE, PENALTIES — SUSPENDED SENTENCES NOT GRANTED, WHEN. — 1. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of rape in the first degree or an attempt to commit rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) [In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person] **The offense is an aggravated sexual offense**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) **The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;**

(3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such rape in the first degree is described under subdivision [(3)] (4) of this subsection; or

[(3)] (4) The victim is a child less than twelve years of age and such rape in the first degree or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of rape in the first degree or attempt to commit rape in the first degree when the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of rape in the first degree or an attempt to commit rape in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.

566.031. RAPE IN THE SECOND DEGREE, PENALTIES. — 1. A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.

2. The offense of rape in the second degree is a class [C] **D** felony.

566.032. STATUTORY RAPE AND ATTEMPT TO COMMIT, FIRST DEGREE, PENALTIES. —

1. A person commits the [crime] **offense** of statutory rape in the first degree if he **or she** has sexual intercourse with another person who is less than fourteen years [old] **of age**.

2. **The offense of** statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless [in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person] :

(1) **The offense is an aggravated sexual offense**, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; **or**

(2) **The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.**

566.034. STATUTORY RAPE, SECOND DEGREE, PENALTY. — 1. A person commits the [crime] **offense** of statutory rape in the second degree if being twenty-one years of age or older, he **or she** has sexual intercourse with another person who is less than seventeen years of age.

2. **The offense of** statutory rape in the second degree is a class [C] **D** felony.

566.060. SODOMY IN THE FIRST DEGREE, PENALTIES — SUSPENDED SENTENCE NOT GRANTED, WHEN. — 1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) [In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person] **The offense is an aggravated sexual offense**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; [or]

(2) **The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;**

(3) The victim is a child less than twelve years [old] **of age**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision [(3)] **(4)** of this subsection; or

[(3)] **(4)** The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree when the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.

566.061. SODOMY IN THE SECOND DEGREE, PENALTY. — 1. A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.

2. The offense of sodomy in the second degree is a class [C] **D** felony.

566.062. STATUTORY SODOMY AND ATTEMPT TO COMMIT, FIRST DEGREE, PENALTIES. — 1. A person commits the [crime] **offense** of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years [old] **of age**.

2. **The offense of** statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless [in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person,] :

(1) **The offense is an aggravated sexual offense** or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; **or**

(2) **The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.**

566.064. STATUTORY SODOMY, SECOND DEGREE, PENALTY. — 1. A person commits the [crime] **offense** of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.

2. **The offense of** statutory sodomy in the second degree is a class [C] **D** felony.

566.067. CHILD MOLESTATION, FIRST DEGREE, PENALTIES. — 1. A person commits the [crime] **offense** of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact **and the offense is an aggravated sexual offense**.

2. **The offense of** child molestation in the first degree [is a class B felony unless:

(1) The actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony; or

(2) The victim is a child less than twelve years of age and:

(a) The actor has previously been convicted of an offense under this chapter; or

(b) In the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or if the offense is committed as part of a ritual or ceremony, in which case, the crime] is a class A felony and [such] , **if the victim is a child less than twelve years of age, the person shall serve his or her term of imprisonment without eligibility for probation [or] , parole, or conditional release.**

566.068. CHILD MOLESTATION, SECOND DEGREE, PENALTIES. — 1. A person commits the [crime] **offense** of child molestation in the second degree if he or she:

(1) Subjects [another person] **a child** who is less than [seventeen] **twelve** years of age to sexual contact; or

(2) **Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.**

2. **The offense of child molestation in the second degree is a class [A misdemeanor unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class D] B felony.**

566.069. CHILD MOLESTATION, THIRD DEGREE, PENALTY. — 1. A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.

2. **The offense of child molestation in the third degree is a class C felony, unless committed by the use of forcible compulsion, in which case it is a class B felony.**

566.071. CHILD MOLESTATION, FOURTH DEGREE, PENALTY. — 1. A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.

2. **The offense of child molestation in the fourth degree is a class E felony.**

566.083. SEXUAL MISCONDUCT INVOLVING A CHILD, PENALTY — APPLICABILITY OF SECTION — AFFIRMATIVE DEFENSE NOT ALLOWED, WHEN. — 1. A person commits the [crime] offense of sexual misconduct involving a child if such person:

(1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child;

(3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates this section in person or via the internet or other electronic means.

3. It is not [an affirmative] **a** defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. **The offense of sexual misconduct involving a child [or attempted sexual misconduct involving a child] is a class [D] E felony unless the [actor] person has previously [pleaded guilty to or] been found guilty of an offense [pursuant to] under this chapter or the [actor] person has previously [pleaded guilty to or has been convicted] been found guilty of an offense [against the laws of another state or] in another jurisdiction which would constitute an offense under this chapter, in which case it is a class [C] D felony.**

566.086. SEXUAL CONTACT WITH A STUDENT. — 1. A person commits the [crime] offense of sexual contact with a student if he or she has sexual contact with a student of the [public] school and is:

(1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;

(2) A student teacher; or

- (3) An employee of the school; **or**
- (4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the [public] school; **or**
- (5) An elected or appointed official of the [public] school district; **or**
- (6) A person employed by an entity that contracts with the [public] school **or** school district to provide services.

2. **For the purposes of this section, "school" shall mean any public or private school in this state serving kindergarten through grade twelve or any school bus used by the school district.**

3. **The offense of sexual contact with a student is a class [D] E felony.**

4. **It is not a defense to prosecution for a violation of this section that the student consented to the sexual contact.**

566.093. SEXUAL MISCONDUCT, FIRST DEGREE, PENALTIES. — 1. A person commits the offense of sexual misconduct in the first degree if such person:

- (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;
- (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; **or**
- (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. The offense of sexual misconduct in the first degree is a class B misdemeanor unless the person has previously been found guilty of an offense under this chapter, **or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter**, in which case it is a class A misdemeanor.

566.100. SEXUAL ABUSE IN THE FIRST DEGREE, PENALTIES. — 1. A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.

2. The offense of sexual abuse in the first degree is a class C felony unless [in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or] the victim is less than fourteen years of age, **or it is an aggravated sexual offense**, in which case it is a class B felony.

566.101. SEXUAL ABUSE, SECOND DEGREE, PENALTIES. — 1. A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.

2. The offense of sexual abuse in the second degree is a class A misdemeanor, unless [the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony] **it is an aggravated sexual offense**, in which case it is a class [D] E felony.

566.111. SEX WITH AN ANIMAL, PENALTIES. — 1. A person commits the [crime] offense of [unlawful] sex with an animal if [that person] **he or she** engages in sexual conduct with an animal [or engages in sexual conduct with an animal for commercial or recreational purposes].

2. [Unlawful] **The offense of sex with an animal is a class A misdemeanor unless the [defendant] person has previously been [convicted] found guilty of an offense under this section or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this section**, in which case the [crime] offense is a class [D] E felony.

3. In addition to any penalty imposed or as a condition of probation the court may:
 - (1) Prohibit the [defendant] **offender** from harboring animals or residing in any household where animals are present during the period of probation [or if probation is not granted for a period of time not to exceed two years after the defendant's sentence is completed]; **or**
 - (2) Order all animals in the [defendant's] **offender's** possession subject to a civil forfeiture action under chapter 513; **or**
 - (3) Order psychological evaluation and counseling of the [defendant] **offender** at the [defendant's] **offender's** expense.
4. Nothing in this section shall be construed to prohibit generally accepted animal husbandry, farming and ranching practices or generally accepted veterinary medical practices.
5. For purposes of this section, the following terms mean:
 - (1) "Animal", every creature, either alive or dead, other than a human being;
 - (2) "Sexual conduct with an animal", any touching of an animal with the genitals or any touching of the genitals or anus of an animal for the purpose of arousing or gratifying the person's sexual desire.

566.115. SEXUAL CONDUCT WITH A NURSING FACILITY RESIDENT OR A VULNERABLE PERSON, FIRST DEGREE, PENALTY. — 1. A person commits the offense of sexual conduct with a nursing facility resident or vulnerable person in the first degree if he or she:

(1) Being an owner or employee of a skilled nursing facility, as defined in section 198.006, or an Alzheimer's special care unit or program, as defined in section 198.505, has sexual intercourse or deviate sexual intercourse with a resident; or

(2) Being a vender, provider, agent, or employee of a certified program operated, funded, licensed, or certified by the department of mental health, has sexual intercourse or deviate sexual intercourse with a vulnerable person.

2. The offense of sexual conduct with a nursing facility resident or vulnerable person in the first degree is a class A misdemeanor. Any second or subsequent violation of this section is a class E felony.

3. The provisions of this section shall not apply to any person who is married to the resident or vulnerable person.

4. Consent of the victim is not a defense to a prosecution under this section.

[565.200.] 566.116. SEXUAL CONDUCT WITH A NURSING FACILITY RESIDENT OR A VULNERABLE PERSON, SECOND DEGREE, PENALTY. — 1. [Any owner or employee of a skilled nursing facility, as defined in section 198.006, or an Alzheimer's special unit or program, as defined in section 198.505, who:

(1) Has sexual contact, as defined in section 566.010, with a resident is guilty of a class B misdemeanor. Any person who commits a second or subsequent violation of this subdivision is guilty of a class A misdemeanor; or

(2) Has sexual intercourse or deviate sexual intercourse, as defined in section 566.010, with a resident is guilty of a class A misdemeanor. Any person who commits a second or subsequent violation of this subdivision is guilty of a class D felony] **A person commits the offense of sexual conduct with a nursing facility resident or vulnerable person in the second degree if he or she:**

(1) Being an owner or employee of a skilled nursing facility as defined in section 198.006, or an Alzheimer's special care unit program as defined in section 198.505, has sexual contact with a resident; or

(2) Being a vender, provider, agent, or employee of a certified program operated, funded, licensed, or certified by the department of mental health, has sexual contact with a vulnerable person.

2. The offense of sexual conduct with a nursing facility resident or vulnerable person in the second degree is a class B misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor.

3. The provisions of this section shall not apply to [an owner or employee of a skilled nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined in section 566.010, with a resident to whom the owner or employee is married] **any person who is married to the resident or vulnerable person.**

[3.] 4. Consent of the victim is not a defense to a prosecution pursuant to this section.

[558.018.] 566.125. PERSISTENT SEXUAL OFFENDER, PREDATORY SEXUAL OFFENDER, DEFINED, EXTENSION OF TERM, WHEN, MINIMUM TERM. — 1. The court shall sentence a person to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and has been found guilty of attempting to commit or committing the following offenses:

- (1) Statutory rape in the first degree or statutory sodomy in the first degree;
- (2) Rape in the first degree or sodomy in the first degree [attempted or committed on or after August 28, 2013];
- (3) Forcible rape [committed or attempted any time during the period of August 13, 1980 to August 27, 2013];
- (4) Forcible sodomy [committed or attempted any time during the period of January 1, 1995 to August 27, 2013];
- (5) Rape [committed or attempted before August 13, 1980];
- (6) Sodomy [committed or attempted before January 1, 1995].

2. A "persistent sexual offender" is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section **or one who has previously been found guilty of an offense in any other jurisdiction which would constitute any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony [to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender].

5. For purposes of this section, a "predatory sexual offender" is a person who:

- (1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first **or second** degree [when classified as a class B felony or] , **or** sexual abuse when classified as a class B felony; or
- (2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or
- (3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section shall be any number of years but not less than thirty years;

(2) Has previously [pleaded guilty to or has] been found guilty of child molestation in the first **or second** degree [when classified as a class B felony or] , **or** sexual abuse when classified as a class B felony and is found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section shall be any number of years but not less than fifteen years;

(3) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first **or second** degree [when classified as a class B felony or] , **or** sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously [pleaded guilty to or has] been found guilty of child molestation in the first degree [when classified as a class B felony] or **second degree, or** sexual abuse when classified as a class B felony, and [pleads guilty to or] is found guilty of child molestation in the first **or second** degree [when classified as a class B felony or] , **or** sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender.

566.145. SEXUAL CONDUCT WITH PRISONER OR OFFENDER — DEFINITIONS — PENALTY — CONSENT NOT A DEFENSE. — 1. A person commits the [crime] **offense** of sexual [contact] **conduct** with a prisoner or offender if **he or she**:

(1) [Such person] Is an employee of, or assigned to work in, any jail, prison or correctional facility and [such person has] **engages in** sexual [intercourse or deviate sexual intercourse] **conduct** with a prisoner or an offender who is confined in a jail, prison, or correctional facility; or

(2) [Such person] Is a probation and parole officer and [has sexual intercourse or deviate sexual intercourse] **engages in sexual conduct** with an offender who is under the direct supervision of the officer.

2. For the purposes of this section the following terms shall mean:

(1) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the state board of probation and parole;

(2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. **The offense of** sexual [contact] **conduct** with a prisoner or offender is a class [D] **E** felony.

4. Consent of a prisoner or offender is not [an affirmative] **a** defense.

566.147. CERTAIN OFFENDERS NOT TO RESIDE WITHIN ONE THOUSAND FEET OF A SCHOOL OR CHILD CARE FACILITY. — 1. Any person who, since July 1, 1979, has been or hereafter has [pleaded guilty to or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the county sheriff where such public school, private school, or child care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class [D] **E** felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class [D] **E** felony.

566.148. CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY — VIOLATION, PENALTY. — 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

2. For purposes of this section, "child care facility" shall [have the same meaning as such term is defined in section 210.201] **include any child care facility licensed under chapter 210, or any child care facility that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility.**

3. [Any person who violates] **Violation of the provisions of this section is [guilty of] a class A misdemeanor.**

566.149. CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION — PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE — PENALTY. — 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under tribal, federal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

3. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this section [shall be] **is** a class A misdemeanor.

566.150. CERTAIN OFFENDERS NOT TO BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A PUBLIC PARK OR SWIMMING POOL — VIOLATION, PENALTY. — 1. Any person who has [pleaded guilty to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment or a public swimming pool.

2. The first violation of the provisions of this section [shall be] **is** a class [D] E felony.

3. A second or subsequent violation of this section [shall be] **is** a class [C] D felony.

566.151. ENTICEMENT OF A CHILD, PENALTIES. — 1. A person [at least] twenty-one years of age or older commits the [crime] **offense** of enticement of a child if [that person] **he or she**

persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than fifteen years of age for the purpose of engaging in sexual conduct.

2. It is not [an affirmative] a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

566.153. AGE MISREPRESENTATION WITH INTENT TO SOLICIT A MINOR, PENALTY. —

1. A person commits the [crime] **offense** of age misrepresentation with intent to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use the internet **or any electronic communication** to engage in criminal sexual conduct involving a minor.

2. **The offense of age misrepresentation with intent to solicit a minor is a class [D] E felony.**

566.155. CERTAIN OFFENDERS NOT TO SERVE AS ATHLETIC COACHES, MANAGERS, OR TRAINERS — VIOLATION, PENALTY. — 1. Any person who has [pleaded guilty to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member.

2. The first violation of the provisions of this section [shall be] **is a class [D] E felony.**

3. A second or subsequent violation of this section [shall be] **is a class [C] D felony.**

566.203. ABUSING AN INDIVIDUAL THROUGH FORCED LABOR — PENALTY. — 1. A person commits the [crime] **offense** of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By causing or threatening to cause serious physical injury to any person;

(2) By physically restraining or threatening to physically restrain another person;

(3) By blackmail;

(4) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer serious physical injury, physical restraint, or financial harm; or

(5) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who [pleads guilty to or] is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The [crime] **offense** of abuse through forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when

punishable as a class B felony, or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, it shall be punishable for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars.

566.206. TRAFFICKING FOR THE PURPOSE OF SLAVERY, INVOLUNTARY SERVITUDE, PEONAGE, OR FORCED LABOR — PENALTY. — 1. A person commits the [crime] **offense** of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if [a person] **he or she** knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving anything of value, from participation in such activities.

2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless [such person] **he or she** is otherwise required to register pursuant to the provisions of such section.

3. Except as provided in subsection 4 of this section, **the offense of trafficking** for the purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars.

4. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when the sexual abuse attempted is punishable as a class B felony, or an attempt to kill, it shall be punishable by imprisonment for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars.

566.209. TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION — PENALTY. —

1. A person commits the [crime] **offense** of trafficking for the purposes of sexual exploitation if [a person] **he or she** knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The [crime] **offense** of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the [crime] **offense** of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

[566.213.] 566.210. SEXUAL TRAFFICKING OF A CHILD, FIRST DEGREE, PENALTY. — 1.

A person commits the [crime] **offense** of sexual trafficking of a child [under the age of twelve if the individual] **in the first degree if he or she** knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. **The offense of sexual trafficking of a child** [less than twelve years of age shall be] **in the first degree is** a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or] been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

[566.212.] 566.211. SEXUAL TRAFFICKING OF A CHILD, SECOND DEGREE, PENALTY. —

1. A person commits the [crime] **offense** of sexual trafficking of a child **in the second degree** if [the individual] **he or she** knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. **The offense** sexual trafficking of a child **in the second degree** is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

566.215. CONTRIBUTING TO HUMAN TRAFFICKING THROUGH THE MISUSE OF DOCUMENTATION, PENALTY. — 1. A person commits the [crime] **offense** of contributing to human trafficking through the misuse of documentation when [the individual] **he or she** knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing [crimes] **offenses** or with the intent to commit [crimes] **offenses**, pursuant to sections [566.200] **566.203** to 566.218; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person who is the victim of [a crime] **an offense** committed pursuant to sections [566.200] **566.203** to 566.218.

2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless [such person] **he or she** is otherwise required to register pursuant to the provisions of such section.

3. The [crime] **offense** of contributing to human trafficking through the misuse of documentation is a class [D] **E** felony.

566.218. RESTITUTION REQUIRED FOR CERTAIN OFFENDERS. — Notwithstanding sections 557.011, 558.019, and 559.021, a [court sentencing a defendant convicted of] **person**

found guilty of violating [the] any provisions of section 566.203, 566.206, 566.209, 566.210, 566.211, 566.212, [or] 566.213 [shall order the defendant] , or 566.215 shall be ordered by the sentencing court to pay restitution to the victim of the offense regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum restitution ordered by the court shall be in the amount determined by the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of the victim.

567.010. CHAPTER DEFINITIONS.—As used in this chapter, the following terms mean:

(1) ["Promoting prostitution", a person promotes prostitution if, acting other than as a prostitute or a patron of a prostitute, he knowingly

(a) Causes or aids a person to commit or engage in prostitution; or

(b) Procures or solicits patrons for prostitution; or

(c) Provides persons or premises for prostitution purposes; or

(d) Operates or assists in the operation of a house of prostitution or a prostitution enterprise;

or

(e) Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity; or

(f) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;

(2) "Prostitution", a person commits prostitution if he engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person;

(3) "Patronizing prostitution", a person patronizes prostitution if

(a) Pursuant to a prior understanding, he gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him or with another; or

(b) He gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him or with another; or

(c) He solicits or requests another person to engage in sexual conduct with him or with another, or to secure a third person to engage in sexual conduct with him or with another, in return for something of value;

(4) "**Deviate sexual intercourse**", any sexual act involving the genitals of one person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(2) "**Prostitution-related offense**", any violation of state law for prostitution, patronizing prostitution, or promoting prostitution;

(3) "**Persistent prostitution offender**", a person who has been found guilty of two or more prostitution-related offenses;

(4) "Sexual conduct" [occurs when there is] , **sexual intercourse, deviate sexual intercourse, or sexual contact;**

[(a)] (5) "Sexual intercourse" [which means] , any penetration, however slight, of the female [sex organ] **genitalia** by the [male sex organ, whether or not an emission results or] **penis;**

[(b)] "Deviate sexual intercourse" which means any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or

(c) (6) "Sexual contact" [which means] , any touching[, manual or otherwise, of the anus or] **of another person with the genitals [of one person by another, done] or any touching of**

the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of [either party] any person or for the purpose of terrorizing the victim;

[(5)] (7) "Something of value" [means] , any money or property, or any token, object or article exchangeable for money or property[;].

567.020. PROSTITUTION — PENALTY. — 1. A person commits the [crime] **offense** of prostitution if [the person performs an act of prostitution] **he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.**

2. **The offense of** prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this [crime] **offense.**

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

567.030. PATRONIZING PROSTITUTION — PENALTY. — 1. A person commits the [crime] **offense** of patronizing prostitution if he [patronizes prostitution] **or she:**

(1) **Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or**

(2) **Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or**

(3) **Solicits or requests another person to engage in sexual conduct with any person in return for something of value.**

2. It shall not be [an affirmative] a defense that the [defendant] **person** believed that the [person] **individual** he or she patronized for prostitution was eighteen years of age or older.

3. **The offense of** patronizing prostitution is a class B misdemeanor, unless the individual who the person [is patronizing] **patronizes** is [under the age of] **less than eighteen years of age** but older than [the age of] **fourteen years of age**, in which case patronizing prostitution is a class A misdemeanor.

4. **The offense of** patronizing prostitution is a class [D] **E** felony if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

- (1) Statutory rape in the first degree pursuant to section 566.032;
- (2) Statutory rape in the second degree pursuant to section 566.034;
- (3) Statutory sodomy in the first degree pursuant to section 566.062; or
- (4) Statutory sodomy in the second degree pursuant to section 566.064.

567.050. PROMOTING PROSTITUTION IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of promoting prostitution in the first degree if he **or she** knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or

- (2) Promotes prostitution of a person less than sixteen years [old] of age.
2. The term "compelling" includes
 - (1) The use of forcible compulsion;
 - (2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;
 - (3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.
3. **The offense of promoting prostitution in the first degree is a class B felony.**

567.060. PROMOTING PROSTITUTION IN THE SECOND DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of promoting prostitution in the second degree if he **or she** knowingly promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes.

2. **The offense of promoting prostitution in the second degree is a class [C] D felony.**

567.070. PROMOTING PROSTITUTION IN THE THIRD DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of promoting prostitution in the third degree if he **or she** knowingly [promotes prostitution] :

- (1) **Causes or aids a person to commit or engage in prostitution;**
- (2) **Procures or solicits patrons for prostitution;**
- (3) **Provides persons or premises for prostitution purposes;**
- (4) **Operates or assists in the operation of a house of prostitution or a prostitution business or enterprise;**
- (5) **Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity; or**
- (6) **Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.**

2. **The offense of promoting prostitution in the third degree is a class [D] E felony.**

567.080. PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES. — 1. Any room, building or other structure regularly used for [sexual contact for pay as defined in section 567.010 or] any [unlawful] prostitution activity prohibited by this chapter is a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for [sexual contact for pay or unlawful] prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any [sexual contact for pay or unlawful] prostitution activity anywhere within the jurisdiction of the court.

4. Appeals shall be allowed from the judgment of the court as in other civil actions.

567.085. PROMOTING TRAVEL FOR PROSTITUTION — PENALTY. — 1. A person commits the [crime] **offense** of promoting travel for prostitution if [the person] **he or she** knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section [567.010] **567.020.**

2. **The [crime] offense of promoting travel for prostitution is a class [C] D felony.**

567.087. PROHIBITIONS ON TRAVEL AGENCIES OR TOUR OPERATORS — REBUTTABLE PRESUMPTION, ADVERTISEMENTS. — 1. No travel agency or charter tour operator shall:

- (1) Promote travel for prostitution [under] **as described in** section 567.085;
- (2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:
 - (a) For the purpose of engaging in a commercial sex act as defined in section [566.200] **566.010**;
 - (b) That consists of tourism packages or activities using and offering any sexual contact as defined in section 566.010 as enticement for tourism; or
 - (c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services.

2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include the term "sex tours" or "sex travel" or include depictions of human genitalia is in violation of this section.

567.110. PERSISTENT PROSTITUTION OFFENDER — PENALTY. — Any person who [pleads guilty to or is] **has been** found guilty of a violation of section 567.020 or 567.030 and who is alleged and proved to be a persistent prostitution offender is guilty of a class [D] E felony.

567.120. HIV TESTING FOR PERSONS ARRESTED FOR A PROSTITUTION-RELATED OFFENSE. — Any person arrested for a prostitution-related offense, who has [a prior conviction of or has pled] **been found** guilty [to] of a prior prostitution-related offense, may, within the sound discretion of the court, be required to undergo HIV testing as a condition precedent to the issuance of bond for the offense.

568.010. BIGAMY — PENALTY. — 1. A married person commits the [crime] **offense** of bigamy if he **or she**:

- (1) Purports to [contract] **marry** another [marriage]; or
- (2) Cohabits [in this state after] **with one whom he or she entered into** a bigamous marriage in another jurisdiction.

2. A married person does not commit bigamy if, at the time of the subsequent marriage ceremony, he **or she** reasonably believes that he **or she** is legally eligible to remarry.

3. The defendant shall have the burden of injecting the issue of reasonable belief of eligibility to remarry.

4. An unmarried person commits the [crime] **offense** of bigamy if he **or she**:

- (1) Purports to [contract marriage] **marry another** knowing that the other person is married; or
- (2) Cohabits [in this state after] **with one whom he or she entered into** a bigamous marriage in another jurisdiction.

5. **The offense of** bigamy is a class A misdemeanor.

568.020. INCEST — PENALTY. — 1. A person commits the [crime] **offense** of incest if he **or she** marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he **or she** knows to be, without regard to legitimacy, **his or her**:

- (1) [His] Ancestor or descendant by blood or adoption; or
- (2) [His] Stepchild, while the marriage creating that relationship exists; or
- (3) [His] Brother or sister of the whole or half-blood; or
- (4) [His] Uncle, aunt, nephew or niece of the whole blood.

2. **The offense of** incest is a class [D] E felony.

3. **The court shall not grant probation to a person who has previously been found guilty of an offense under this section.**

568.030. ABANDONMENT OF CHILD IN THE FIRST DEGREE, PENALTY. — 1. A person commits the [crime] **offense** of abandonment of a child in the first degree if, as a parent, guardian or other person legally charged with the care or custody of a child less than four years [old] **of age**, he **or she** leaves the child in any place with purpose wholly to abandon [it] **the child**, under circumstances which are likely to result in serious physical injury or death.

2. **The offense of abandonment of a child in the first degree is a class B felony, unless the child dies, in which case it is a class A felony.**

568.032. ABANDONMENT OF A CHILD, SECOND DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of abandonment of a child in the second degree if, as a parent, guardian or other person legally charged with the care or custody of a child less than eight years [old] **of age**, he **or she** leaves the child in any place with purpose wholly to abandon [it] **the child**, under circumstances which are likely to result in serious physical injury or death.

2. **The offense of abandonment of a child in the second degree is a class D felony, unless the child suffers serious physical injury, in which case it is a class B felony. It is a class A felony if the child dies.**

568.040. CRIMINAL NONSUPPORT, PENALTY — PAYMENT OF SUPPORT AS A CONDITION OF PAROLE — PROSECUTING ATTORNEYS TO REPORT CASES TO FAMILY SUPPORT DIVISION.

— 1. A person commits the [crime] **offense** of nonsupport if [such person] **he or she** knowingly fails to provide adequate support for his or her spouse; a parent commits the [crime] **offense** of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

(2) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

(3) "Support" means food, clothing, lodging, and medical or surgical attention;

(4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A [person] **defendant** who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 **and subsection 3** of this section.

5. **The offense of criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class [D] E felony.**

6. If at any time [a defendant] **an offender** convicted of criminal nonsupport is placed on probation or parole, there may be ordered as a condition of probation or parole that the [defendant] **offender** commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the [defendant] **offender** is capable of paying, if any, as may be shown after examination of [defendant's] **the offender's** financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due may be in such aggregate sums as is not greater than fifty percent of the [defendant's] **offender's**

adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only. If the [defendant] **offender** fails to pay the current support and arrearages as ordered, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the [defendant] **offender** was convicted of as provided by law, unless the [defendant] **offender** proves good cause for the failure to pay as required under subsection 3 of this section.

7. During any period that a nonviolent [defendant] **offender** is incarcerated for criminal nonsupport, if the [defendant] **offender** is ready, willing, and able to be gainfully employed during said period of incarceration, the [defendant] **offender**, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the [defendant] **offender** to satisfy [defendant's] **his or her** obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the child support enforcement service of the family support division of the department of social services shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged.

568.045. ENDANGERING THE WELFARE OF A CHILD IN THE FIRST DEGREE, PENALTIES.

— 1. A person commits the [crime] **offense** of endangering the welfare of a child in the first degree if **he or she**:

(1) [The person] Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years [old] **of age**; or

(2) [The person] Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) [The person] Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter [195] **579**;

(4) [Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person,] In the presence of a [person] **child** less than seventeen years of age or in a residence where a [person] **child** less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. **The offense of** endangering the welfare of a child in the first degree is a class [C] **D** felony unless the offense:

(1) Is committed as part of [a ritual or ceremony, or except on] **an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or where physical injury to the child results, or the offense is a second or subsequent offense under this section**, in which case the [crime] offense is a class [B] C felony;

(2) **Results in serious physical injury to the child, in which case the offense is a class B felony; or**

(3) **Results in the death of a child, in which case the offense is a class A felony.**

[3. This section shall be known as "Hope's Law".]

568.050. ENDANGERING THE WELFARE OF A CHILD IN THE SECOND DEGREE, PENALTIES. — 1. A person commits the [crime] offense of endangering the welfare of a child in the second degree if **he or she**:

(1) [He or she] With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years [old] **of age**; or

(2) [He or she] Knowingly encourages, aids or causes a child less than seventeen years [old] **of age** to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years [old, he or she] **of age**, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him **or her** from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(4) [He or she] Knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section [195.130]; or

(5) He or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of section 565.024, subdivision (4) of subsection 1 of section 565.060, section 577.010, or section 577.012 while a child less than seventeen years old is present in the vehicle] **579.105.**

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. **The offense of** endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of [a ritual or ceremony] **an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity**, in which case the [crime] offense is a class [D] E felony.

568.060. ABUSE OR NEGLECT OF A CHILD, PENALTY. — 1. As used in this section, the following terms shall mean:

(1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;

(2) "Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

(3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;

(4) "Neglect", the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the

physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;

(5) "Physical injury", physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;

(6) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(7) "Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or

(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services.

5. The offense of abuse or neglect of a child is:

(1) A class [C] **D** felony, without eligibility for probation [or] , parole, **or conditional release** until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence; or

(2) A class A felony if the child dies as a result of injuries sustained from conduct chargeable under the provisions of this section.

6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation [or] , parole, **or conditional release** until the defendant has served not less than fifteen years of such sentence, if:

(1) The injury is a serious emotional injury or a serious physical injury;

(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse **or sexual abuse in the first degree** as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.

8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.

9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section.

568.065. GENITAL MUTILATION OF A FEMALE CHILD, PENALTY — AFFIRMATIVE DEFENSES. — 1. A person commits the [crime] **offense** of genital mutilation if [such person] **he or she**:

(1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or clitoris of a female child less than seventeen years of age; or

(2) Is a parent, guardian or other person legally responsible for a female child less than seventeen years of age and permits the excision or infibulation, in whole or in part, of the labia majora, labia minora, vulva or clitoris of such female child.

2. **The offense of** genital mutilation is a class B felony.

3. Belief that the conduct described in subsection 1 of this section is required as a matter of custom, ritual or standard practice, or consent to the conduct by the child on whom it is performed or by the child's parent or legal guardian, shall not be an affirmative defense to a charge pursuant to this section.

4. It is [an affirmative] **a defense** [that the defendant engaged in] **if** the conduct [charged] which constitutes genital mutilation [if the conduct] was:

(1) Necessary to preserve the health of the child on whom it is performed and is performed by a person licensed to practice medicine in this state; or

(2) Performed on a child who is in labor or who has just given birth and is performed for medical purposes connected with such labor or birth by a person licensed to practice medicine in this state.

568.070. UNLAWFUL TRANSACTIONS WITH A CHILD. — 1. A person commits the [crime] **offense** of unlawful transactions with a child if **he or she**:

(1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, [he] with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or

(2) [He] Knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in chapter [195] **579**, is maintained or conducted; or

(3) [He] With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in section 320.110, to a child under the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this crime.

2. **The offense of** unlawful transactions with a child is a class B misdemeanor.

568.175. TRAFFICKING IN CHILDREN, PENALTY. — 1. A person[, partnership, corporation, agency, association, institution, society or other organization] **or entity** commits the [crime] **offense** of trafficking in children if he, **she**, or it offers, gives, receives or solicits any money, consideration or other thing of value for the delivery or offer of delivery of a child to another person[, partnership, corporation, agency, association, institution, society or other organization] **or entity** for purposes of adoption, or for the execution of a consent to adopt or waiver of consent to future adoption or a consent to termination of parental rights.

2. [A crime] **An offense** is not committed under this section if the money, consideration or thing of value or conduct is permitted under chapter 453 relating to adoption.

3. The [crime] **offense** of trafficking in children is a class [C] **D** felony.

569.010. CHAPTER DEFINITIONS. — As used in this chapter the following terms mean:

(1) ["Forcibly steals", a person "forcibly steals", and thereby commits robbery, when, in the course of stealing, as defined in section 570.030, he uses or threatens the immediate use of physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;

(2) "Inhabitable structure" includes a ship, trailer, sleeping car, airplane, or other vehicle or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such vehicle or structure is "inhabitable" regardless of whether a person is actually present;

(3) "Of another", property is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein;

(4) If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

(5) "Vital public facility" includes a facility maintained for use as a bridge, whether over land or water, dam, reservoir, tunnel, communication installation or power station;

(6) "Utility", an enterprise which provides gas, electric, steam, water, sewerage disposal or communication services and any common carrier. It may be either publicly or privately owned or operated;

(7) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing] **"Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;**

[(8)] (2) "Enter unlawfully or remain unlawfully", a person ["enters unlawfully or remains unlawfully"] **enters or remains** in or upon premises when he **or she** is not licensed or privileged to do so. A person who, regardless of his **or her** purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he **or she** defies a lawful order not to enter or remain, personally communicated to him **or her** by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) **"To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;**

(4) **"Utility", an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.**

569.040. ARSON IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of arson in the first degree [when] **if** he or she:

(1) Knowingly damages a building or inhabitable structure, and when any person is then present or in near proximity thereto, by starting a fire or causing an explosion and thereby recklessly places such person in danger of death or serious physical injury; or

(2) By starting a fire or explosion, damages a building or inhabitable structure in an attempt to produce methamphetamine.

2. **The offense of** arson in the first degree is a class B felony unless a person has suffered serious physical injury or has died as a result of the fire or explosion set by the [defendant] **person** or as a result of a fire or explosion started in an attempt by the [defendant] **person** to produce methamphetamine, in which case arson in the first degree is a class A felony.

569.050. ARSON IN THE SECOND DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of arson in the second degree [when] **if he or she** knowingly damages a building or inhabitable structure by starting a fire or causing an explosion.

2. A person does not commit [a crime] **an offense** under this section if:

(1) No person other than himself **or herself** has a possessory, proprietary or security interest in the damaged building, or if other persons have those interests, all of them consented to his **or her** conduct; and

(2) [His] **The person's** sole purpose was to destroy or damage the building for a lawful and proper purpose.

3. The defendant shall have the burden of injecting the issue under subsection 2 of this section.

4. **The offense of** arson in the second degree is a class [C] **D** felony unless a person has suffered serious physical injury or has died as a result of the fire or explosion [set by the defendant] , in which case [arson in the second degree] **it** is a class B felony.

569.053. ARSON IN THE THIRD DEGREE — PENALTY. — **1. A person commits the offense of arson in the third degree if he or she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.**

2. The offense of arson in the third degree is a class A misdemeanor.

569.055. KNOWINGLY BURNING OR EXPLODING — PENALTY. — 1. A person commits the [crime] **offense** of knowingly burning or exploding [when] **if he or she** knowingly damages property of another by starting a fire or causing an explosion.

2. The offense of knowingly burning or exploding is a class [D] **E** felony.

569.060. RECKLESS BURNING OR EXPLODING — PENALTY. — 1. A person commits the [crime] **offense** of reckless burning or exploding [when] **if he [knowingly] or she recklessly** starts a fire or causes an explosion and thereby [recklessly] damages or destroys [a building or an inhabitable structure] **the property** of another.

2. The offense of reckless burning or exploding is a class [A] **B** misdemeanor.

569.065. NEGLIGENT BURNING OR EXPLODING — PENALTY. — 1. A person commits the [crime] **offense** of negligent burning or exploding [when] **if he or she** with criminal negligence causes damage to property **or to the woodlands, cropland, grassland, prairie, or marsh** of another by [fire or explosion] :

(1) **Starting a fire or causing an explosion; or**

(2) **Allowing a fire burning on lands in his or her possession or control onto the property of another.**

2. The offense of negligent burning or exploding is a class [B] **C** misdemeanor.

[578.445.] 569.075. POSSESSING A TOOL TO BREAK INTO A VENDING MACHINE — PENALTY. — 1. [No] A person [shall possess] **commits the offense of possessing a tool to break into a vending machine if he or she possesses** any key, tool, instrument, explosive, or similar device, or a drawing, print, mold of a key, tool, instrument, explosive, or device designed to open, break into, tamper with, or damage a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment, with the intent to commit a theft from such machine. [Violation of this subsection is a class A misdemeanor.]

2. The owner of a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment may maintain a civil cause of action against any person who [pleads guilty or if] **has been** found guilty of a violation of

[subsection 1 of] this section. If such owner of a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment prevails in such action, the court may award treble damages, reasonable attorney's fees, and costs.

3. The offense of possession of a tool to break into a vending machine is a class A misdemeanor.

569.080. TAMPERING IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] offense of tampering in the first degree if **he or she**:

(1) [He or she] For the purpose of causing a substantial interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, damages or tampers with property or facilities of such a utility or institution, and thereby causes substantial interruption or impairment of service; or

(2) [He or she] Knowingly receives, possesses, sells, [alters, defaces, destroys] or unlawfully operates an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner thereof.

2. [Tampering in the first degree is a class C felony.

3.] Upon a finding by the court that the probative value outweighs the prejudicial effect, evidence of the following is admissible in any criminal prosecution of a person under subdivision (2) of subsection 1 of this section to prove the requisite knowledge [or belief] **that he or she**:

(1) [That he or she] Received, possessed, sold, [altered, defaced, destroyed,] or operated an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle unlawfully on a separate occasion; **or**

(2) [That he or she] Acquired the automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle for a consideration which he or she knew was far below its reasonable value.

3. The offense of tampering in the first degree is a class D felony.

569.090. TAMPERING IN THE SECOND DEGREE — PENALTIES. — 1. A person commits the [crime] offense of tampering in the second degree if he or she:

(1) Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

(2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

(3) Tampers or makes connection with property of a utility; or

(4) Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

(a) To prevent the proper measuring of electric, gas, steam or water service; or

(b) To permit the diversion of any electric, gas, steam or water service.

2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

3. Tampering in the second degree is a class A misdemeanor unless:

(1) Committed as a second or subsequent violation of subdivision (4) of subsection 1, in which case it is a class [D] E felony; **or**

(2) The defendant has a prior conviction or has [had a prior finding of guilt] **previously been found guilty** pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, [section 570.080,] or subdivision (2) of subsection 1 of this section, in which case it is a class [C] D felony.

569.095. TAMPERING WITH COMPUTER DATA — PENALTIES. — 1. A person commits the [crime] **offense** of tampering with computer data if he **or she** knowingly and without authorization or without reasonable grounds to believe that he has such authorization:

(1) Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or

(2) Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or

(3) Discloses or takes data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or

(4) Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network;

(5) Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person;

(6) Receives, retains, uses, or discloses any data he knows or believes was obtained in violation of this subsection.

2. **The offense of** tampering with computer data is a class A misdemeanor, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is [five] **seven hundred fifty** dollars or more, in which case [tampering with computer data] **it** is a class [D] **E** felony.

569.097. TAMPERING WITH COMPUTER EQUIPMENT — PENALTIES. — 1. A person commits the [crime] **offense** of tampering with computer equipment if he **or she** knowingly and without authorization or without reasonable grounds to believe that he **or she** has such authorization:

(1) Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network; or

(2) Modifies, destroys, damages, or takes any computer, computer system, or computer network.

2. **The offense of** tampering with computer equipment is a class A misdemeanor, unless:

(1) The offense is committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is [five] **seven hundred fifty** dollars or more, in which case it is a class [D] **E** felony; or

(2) The damage to such computer equipment or to the computer, computer system, or computer network is [five] **seven hundred fifty** dollars or more [but less than one thousand dollars], in which case it is a class [D] **E** felony; or

(3) The damage to such computer equipment or to the computer, computer system, or computer network is [one] **twenty-five** thousand dollars or [greater] **more**, in which case it is a class [C] **D** felony.

569.099. TAMPERING WITH COMPUTER USERS — PENALTIES. — 1. A person commits the [crime] **offense** of tampering with computer users if he **or she** knowingly and without authorization or without reasonable grounds to believe that he **or she** has such authorization:

(1) Accesses or causes to be accessed any computer, computer system, or computer network; or

(2) Denies or causes the denial of computer system services to an authorized user of such computer system services, which, in whole or in part, is owned by, under contract to, or operated for, or on behalf of, or in conjunction with another.

2. The offense of tampering with computer users is a class A misdemeanor unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is [five] **seven hundred fifty** dollars or more, in which case tampering with computer users is a class [D] **E** felony.

569.100. PROPERTY DAMAGE IN THE FIRST DEGREE — PENALTIES. — 1. A person commits the [crime] **offense** of property damage in the first degree if such person:

(1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or

(2) Damages property to an extent exceeding [one thousand] **seven hundred fifty** dollars for the purpose of defrauding an insurer; or

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle.

2. **The offense of** property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class [D] **E** felony. **The offense of** property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class [C] **D** felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.

569.120. PROPERTY DAMAGE IN THE SECOND DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of property damage in the second degree if **he or she**:

(1) [He] Knowingly damages property of another; or

(2) [He] Damages property for the purpose of defrauding an insurer.

2. **The offense of** property damage in the second degree is a class B misdemeanor.

[578.416.] **569.132. PROHIBITED ACTS — INVOLVING CROPS — PENALTIES.** — [No person shall] 1. **This section shall be known and may be cited as the "Crop Protection Act".**

2. **A person commits the offense of prohibited acts involving crops if he or she:**

(1) Intentionally [cause] **causes** the loss of any crop;

(2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on **land on which a crop is located;**

(3) [Obtain] **Obtains** access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;

(4) [Enter] **Enters** or otherwise [interfere] **interferes** with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;

(5) Knowingly [obtain] **obtains**, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop; or

(6) [Enter or remain] **Enters or remains** on land on which a crop is located with the intent to commit an act prohibited by this section.

3. **The offense of prohibited acts involving crops is a class A misdemeanor for each such violation unless:**

(1) **The loss or damage to the crop is seven hundred fifty dollars or more, in which case it is a class E felony;**

(2) **The loss or damage to the crop is one thousand dollars or more, in which case it is a class D felony;**

(3) **The loss or damage to the crop is twenty-five thousand dollars or more, in which case it is a class C felony;**

(4) **The loss or damage to the crop is seventy-five thousand dollars or more, in which case it is a class B felony.**

4. **Any person who has been damaged by a violation of this section shall have a civil cause of action under section 537.353.**

5. **Nothing in this section shall preclude any owner or operator injured in his or her business or on his or her property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction**

against any person who violates this section. The owner or operator of the business may petition the court to permanently enjoin such persons from violating this section, and the court shall provide such relief.

6. The director of the department of agriculture shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required for the investigation.

7. The director may promulgate rules and regulations necessary for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

[578.210.] 569.135. UNLAWFULLY ENTERING OR DEFACING A CAVE OR CAVERN — PENALTY. — 1. [A person, without the prior written permission of the owner or if a corporation is the owner, of an officer of the corporation, lessee, or if the cavern is located on public land, the superintendent thereof shall not] Unless a person has the prior written permission of an owner, officer, lessee, or superintendent of a cave or cavern, such person commits the offense of unlawfully entering or defacing a cave or cavern if he or she:

(1) Willfully or knowingly [break, break off, crack, carve upon, write or otherwise mark] breaks, breaks off, cracks, carves upon, writes or otherwise marks upon, or in any manner [destroy, mutilate, injure, deface, remove, displace, mar or harm] destroys, mutilates, injures, defaces, removes, displaces, mars, or harms the surfaces of any cave or any natural material therein including, without limitation, stalactites, stalagmites, helictites, anthodites, gypsum flowers, or needles, cave pearls, flowstone, draperies, rimstone, spathites, columns or similar crystalline mineral formation, including the host rock thereof].

2. A person shall not, without the permission required in subsection 1 of this section, break, force, tamper with, remove or otherwise disturb] ; or

(2) Breaks, forces, tampers with, removes, or otherwise disturbs a lock, gate, door or other structure designed to prevent entrance to a cave or cavern. A person violates this subsection whether or not entrance to the cave or cavern is achieved.

2. No additional appropriations may be made for the enforcement of this section.

3. The provisions of this section do not apply to vertical or horizontal underground mining operations.

4. The offense of unlawfully entering or defacing a cave or cavern is a class A misdemeanor.

[578.215.] 569.137. POLLUTING CAVE OR SUBSURFACE WATERS —PENALTY. — 1. As used in this section, the following terms mean:

(1) "Cave system", the caves in a given area related to each other hydrologically, whether continuous or discontinuous from a single opening;

(2) "Sinkhole", a hollow place or depression in the ground in which drainage may collect with an opening therefrom into an underground channel or cave including any subsurface opening that might be bridged by a formation of silt, gravel, humus, or any other material through which percolation into the channel or cave may occur.

2. A person [shall not] commits the offense of polluting cave or subsurface waters if he or she purposely [introduce] introduces into any cave, cave system, sinkhole or subsurface

waters of the state any substance or structure that will or could violate any provision of the Missouri clean water law as set forth in chapter [204] **644**, or any water quality standard or effluent limitation promulgated pursuant thereto.

[2.] **3.** The provisions of [subsection 1 of] this section do not apply:

(1) Where natural subsurface drainage systems including, without limitation, caves, cave systems, sinkholes, fissures and related openings are used for purposes of storm water drainage, artificial recharge of aquifers, and irrigation return flow, and where modifications of natural drainage systems are made for purposes of improving natural drainage relationships; **or**

(2) **To vertical or horizontal underground mining operations.**

[3.] **4.** No additional appropriations may be made for the enforcement of [sections 578.200 to 578.225] **this section.**

5. The offense of polluting cave or subsurface waters is a class A misdemeanor.

569.140. TRESPASS IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of trespass in the first degree if he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

2. A person does not commit the [crime] **offense** of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner reasonably likely to come to the attention of intruders.

3. The offense of trespass in the first degree is a class B misdemeanor.

569.145. POSTING OF PROPERTY AGAINST TRESPASSERS, PURPLE PAINT USED TO MARK STREETS AND POSTS, REQUIREMENTS. — In addition to the posting of real property as set forth in section 569.140, the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(1) A vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such marks shall be placed no more than one hundred feet apart and shall be readily visible to any person approaching the property; or

(2) A post capped or otherwise marked on at least its top two inches. The bottom of the cap or mark shall be not less than three feet but not more than five feet six inches high. Posts so marked shall be placed not more than thirty-six feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property. [Property so posted is to be considered posted for all purposes, and any unauthorized entry upon the property is trespass in the first degree, and a class B misdemeanor] **Posting in such a manner shall be found to be reasonably likely to come to the attention of intruders for the purposes of section 569.140.**

569.150. TRESPASS IN THE SECOND DEGREE — PENALTY. — 1. A person commits [the offense of] trespass in the second degree if he **or she** enters unlawfully upon real property of another. This is an offense of absolute liability.

2. Trespass in the second degree is an infraction.

569.155. TRESPASS OF A SCHOOL BUS, PENALTY — SCHOOLS TO ESTABLISH STUDENT BEHAVIOR POLICY, WHEN. — 1. A person commits the [crime] **offense** of trespass of a school bus if he **or she** knowingly and unlawfully enters any part of or unlawfully operates any school bus.

2. [Trespass of a school bus is a class A misdemeanor.

3.] For the purposes of this section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:

- (1) Approved of and established in a school district's written policy on access to school buses; or
- (2) Authorized by specific written approval of the school board.

[4.] **3.** In order to preserve the public order, any district which adopts the policies described in subsection [3] **2** of this section shall establish and enforce a student behavior policy for students on school buses.

4. The offense of trespass of a school bus is a class A misdemeanor.

569.160. BURGLARY IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of burglary in the first degree if he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing [a crime] **an offense** therein, and when in effecting entry or while in the building or inhabitable structure or in immediate flight therefrom, [he] **the person** or another participant in the [crime] **offense**:

- (1) Is armed with explosives or a deadly weapon or;
- (2) Causes or threatens immediate physical injury to any person who is not a participant in the crime; or
- (3) There is present in the structure another person who is not a participant in the crime.

2. The offense of burglary in the first degree is a class B felony.

569.170. BURGLARY IN THE SECOND DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of burglary in the second degree when he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.

2. The offense of burglary in the second degree is a class [C] D felony.

569.180. POSSESSION OF BURGLAR'S TOOLS — PENALTY. — 1. A person commits the [crime] **offense** of possession of burglar's tools if he **or she** possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof.

2. The offense of possession of burglar's tools is a class [D] E felony.

570.010. CHAPTER DEFINITIONS. — As used in this chapter, **the following terms mean:**

(1) "Adulterated" [means] , varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate" [means] , to take, obtain, use, transfer, conceal [or] , retain [possession of] **or dispose**;

(3) "**Check**", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) "Coercion" [means] , a threat, however communicated:

- (a) To commit any [crime] **offense**; or
- (b) To inflict physical injury in the future on the person threatened or another; or
- (c) To accuse any person of any [crime] **offense**; or
- (d) To expose any person to hatred, contempt or ridicule; or
- (e) To harm the credit or business [repute] **reputation** of any person; or
- (f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is **justified and** not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

[(4)] (5) "Credit device" [means] , a writing, **card, code**, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

[(5)] (6) "Dealer" [means] , a person in the business of buying and selling goods;

[(6)] (7) "Debit device" [means] , a **writing**, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

[(7)] (8) "Deceit or deceive" [means purposely] , making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, **or concealing a material fact as to the terms of a contract or agreement**. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

[(8)] (9) "Deprive" [means]:

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

(10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services;

(11) "Financial institution", a bank, trust company, savings and loan association, or credit union;

(12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services;

(13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;

(14) "Internet service", an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

(15) "Means of identification", anything used by a person as a means to uniquely distinguish himself or herself;

(16) "Merchant", a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his

or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

[9)] (17) "Misabeled" [means] , varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

(10) "New and unused property" means tangible personal property that has never been used since its production or manufacture and is in its original unopened package or container if such property was packaged;

(11) "Of another" property or services is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

(12)] (18) **"Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;**

(19) "Property" [means] , anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

[(13) "Receiving" means acquiring possession, control or title or lending on the security of the property;

(14)] (20) **"Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions;**

(21) "Services" includes transportation, telephone, electricity, gas, water, or other public service, **cable television service, video service, voice over internet protocol service, or internet service**, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(22) **"Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;**

(23) **"Video service"**, the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

(24) **"Voice over internet protocol service"**, a service that:

(a) **Enables real-time, two-way voice communication;**

- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

[(15)] (25) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.020. DETERMINATION OF VALUE. — For the purposes of this chapter, the value of property shall be ascertained as follows:

(1) Except as otherwise specified in this section, "value" means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. If the victim is a merchant, [as defined in section 400.2-104,] and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property;

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

(a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument;

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than [five] **seven hundred fifty** dollars.

[569.020.] 570.023. ROBBERY IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] offense of robbery in the first degree [when] **if he or she** forcibly steals property and in the course thereof **he or she**, or another participant in the [crime,] **offense:**

- (1) Causes serious physical injury to any person; or
- (2) Is armed with a deadly weapon; or
- (3) Uses or threatens the immediate use of a dangerous instrument against any person; or
- (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; **or**

(5) Steals any controlled substance from a pharmacy.

2. **The offense of robbery in the first degree is a class A felony.**

[569.030.] 570.025. ROBBERY IN THE SECOND DEGREE — PENALTY. — 1. A person commits the [crime] offense of robbery in the second degree [when] **if he or she** forcibly steals property **and in the course thereof causes physical injury to another person.**

2. **The offense of robbery in the second degree is a class B felony.**

570.030. STEALING — PENALTIES. — 1. A person commits the [crime] offense of stealing if he or she:

- (1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. [Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) Any explosive weapon as defined in section 571.010; or

(f) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(i) Any book of registration or list of voters required by chapter 115; or

(j) Any animal considered livestock as that term is defined in section 144.010; or

(k) Live fish raised for commercial sale with a value of seventy-five dollars; or

(l) Captive wildlife held under permit issued by the conservation commission; or

(m) Any controlled substance as defined by section 195.010; or

(n) Anhydrous ammonia;

(o) Ammonium nitrate; or

(p) Any document of historical significance which has fair market value of five hundred dollars or more.

4. Notwithstanding any other provision of law, stealing of any animal considered livestock, as that term is defined in section 144.010, is a class B felony if the value of the livestock exceeds ten thousand dollars.

5. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such

violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

6. The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

7. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections.

8. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

9. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.] **The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.**

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more.

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit device, debit device or letter of credit;

(d) Any firearms;

- (e) Any explosive weapon as defined in section 571.010;
- (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
- (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
- (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
- (i) Any book of registration or list of voters required by chapter 115;
- (j) Any animal considered livestock as that term is defined in section 144.010;
- (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- (l) Any captive wildlife held under permit issued by the conservation commission;
- (m) Any controlled substance as defined by section 195.010;
- (n) Ammonium nitrate;
- (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
- (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

- (1) The property appropriated is an animal; or
- (2) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

570.039. CABLE TELEVISION SERVICES, APPROPRIATION OF — NOT STEALING, WHEN. — A person who appropriates cable television service shall not be deemed to have stolen that service within the meaning of section 570.030, if a cable television company either:

- (1) Provides unsolicited cable television service; or
- (2) Fails to change or disconnect cable television service within ten days after receiving written notice to do so by the customer. The customer may deem such service to be a gift without any obligation to the cable television company from ten days after such written notice is received until the service is changed or disconnected.

[578.075.] 570.053. FEIGNED BLINDNESS — PENALTY. — 1. A person [who] **commits the offense of feigned blindness if he or she** simulates blindness or pretends to be a blind person with the purpose of obtaining something of value from another person by deceit [commits the offense of feigned blindness].

2. The offense of feigned blindness is a class A misdemeanor.

[578.150.] 570.057. STEALING LEASED OR RENTED PROPERTY — EVIDENCE OF INTENT TO VIOLATE, WHEN — LAW ENFORCEMENT PROCEDURE — VENUE — PENALTIES. — 1. A person commits the [crime] **offense** of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:

(1) Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;

(2) Conceals or aids or abets the concealment of the property from the owner;

(3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to that the property is subject to a lease;

(4) Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.

2. The provisions of this section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

3. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this section, except that if a motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the crime of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles. Any law enforcement officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five days notify the person who leased or rented the property that such person is in violation of this section, and that failure to immediately return the property may subject such person to arrest for the violation.

4. This section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten days after proper notice.

5. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner [shall be guilty] **commits the offense** of property damage pursuant to section 569.100 or 569.120, in addition to being in violation of this section.

6. Venue shall lie in the county where the personal property was originally rented or leased.

7. **The offense of** stealing leased or rented property is a class A misdemeanor unless the property involved has a value of [one thousand] **seven hundred fifty** dollars or more, in which case stealing leased or rented property is a class [C] **D** felony.

570.070. CLAIM OF RIGHT. — 1. A person does not commit an offense under section 570.030 if, at the time of the appropriation, he **or she**:

(1) Acted in the honest belief that he had the right to do so; or

(2) Acted in the honest belief that the owner, if present, would have consented to the appropriation.

2. The defendant shall have the burden of injecting the issue of claim of right.

570.085. ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER — PENALTIES. — 1. A person commits the [crime] **offense** of alteration or removal of item numbers if he **or she**, with the purpose of depriving the owner of a lawful interest therein:

(1) Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed, removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or other distinguishing owner-applied number or mark, on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item, for any reason whatsoever;

(2) Sells, offers for sale, pawns or uses as security for a loan, any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced; or

(3) Buys, receives as security for a loan or in pawn, or in any manner receives or has in his possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced.

2. **The offense of** alteration or removal of item numbers is a class [D] **E** felony if the value of the item or items in the aggregate is [five] **seven hundred fifty** dollars or more[. If the value of the item or items in the aggregate is less than five hundred dollars, then] ; **otherwise** it is a class B misdemeanor.

570.090. FORGERY — PENALTY. — 1. A person commits the [crime] **offense** of forgery if, with the purpose to defraud, the person:

(1) Makes, completes, alters or authenticates any writing so that it purports to have been made by another or at another time or place or in a numbered sequence other than was in fact the case or with different terms or by authority of one who did not give such authority; or

(2) Erases, obliterates or destroys any writing; or

(3) Makes or alters anything other than a writing, including receipts and universal product codes, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or

(4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with the knowledge or belief that it will be used as genuine, any writing or other thing including receipts and universal product codes, which the [actor] **person** knows has been made or altered in the manner described in this section.

2. **The offense of** forgery is a class [C] **D** felony.

570.100. POSSESSION OF A FORGING INSTRUMENTALITY — PENALTY. — 1. A person commits the [crime] **offense** of possession of a forging instrumentality if, with the purpose of committing forgery, he **or she** makes, causes to be made or possesses any plate, mold, instrument or device for making or altering any writing or anything other than a writing.

2. **The offense of possession of a forging instrumentality is a class [C] D felony.**

570.103. CRIME OF COUNTERFEITING, DEFINITIONS — PENALTY. — 1. As used in this section and section 570.105, the following words mean:

(1) "Counterfeit mark", any unauthorized reproduction or copy of intellectual property or intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property;

(2) "Intellectual property", any trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify such person's goods or services;

(3) "Retail value", the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

2. [Any] A person [who] **commits the offense of counterfeiting if he or she** willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells, or possesses [with intent to sell or distribute] **for the purpose of selling or distributing** any item, or services, bearing or identified by a counterfeit mark[, shall be guilty of the crime of counterfeiting]. A person having possession, custody or control of more than twenty-five items bearing a counterfeit mark shall be presumed to possess said items [with intent to sell or distribute] **for the purpose of selling or distributing.**

3. **The offense of counterfeiting [shall be] is a class A misdemeanor**, except as provided in subsections 4 and 5 of this section.

4. **The offense of counterfeiting [shall be] is a class [D] E felony if:**

(1) The defendant has previously been convicted under this section; or

(2) The violation involves more than one hundred but fewer than one thousand items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark **is seven hundred fifty dollars or more** [than one thousand dollars, but less than ten thousand dollars].

5. **The offense of counterfeiting [shall be] is a class [C] D felony if:**

(1) The defendant has been previously convicted of two or more offenses under this section;

(2) The violation involves the manufacture or production of items bearing counterfeit marks; or

(3) The violation involves one thousand or more items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark **is twenty-five thousand dollars or more** [than ten thousand dollars].

6. For purposes of this section, the quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses.

7. [Any person convicted of counterfeiting shall be fined an amount up to three times the retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating circumstances are shown by the defendant.

8.] The remedies provided for herein shall be cumulative to the other civil remedies provided by law.

[9.] **8.** Any state or federal certificate of registration of any intellectual property shall be prima facie evidence of the facts stated therein.

570.110. ISSUING A FALSE INSTRUMENT OR CERTIFICATE — PENALTY. — 1. A person commits the [crime] **offense** of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded, or being authorized by law to make or issue official certificates or other official written instruments, he or she issues such an instrument or certificate, or makes the same with the purpose that it be issued, knowing:

- (1) That it contains a false statement or false information; or
- (2) That it is wholly or partly blank.

2. **The offense of** issuing a false instrument or certificate is a class A misdemeanor.

570.120. CRIME OF PASSING BAD CHECKS, PENALTY — ACTUAL NOTICE GIVEN, WHEN — ADMINISTRATIVE HANDLING COSTS, AMOUNT, DEPOSIT IN FUND — USE OF FUND — ADDITIONAL COSTS, AMOUNT — PAYROLL CHECKS, ACTION, WHEN — SERVICE CHARGE MAY BE COLLECTED — RETURN OF BAD CHECK TO DEPOSITOR BY FINANCIAL INSTITUTION MUST BE ON CONDITION THAT ISSUER IS IDENTIFIABLE. — 1. A person commits the [crime] **offense** of passing a bad check when he or she:

(1) With **the** purpose to defraud, [the person] makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) [The person] Makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. **The offense of** passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is [five] **seven** hundred **fifty** dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued,

in which [cases] **case** passing a bad [checks] **check** is a class [C] **E** felony.

5. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional

fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into the "Administrative Handling Cost Fund", established under section 559.100. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765.

6. Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check.

570.125. FRAUDULENTLY STOPPING PAYMENT ON AN INSTRUMENT — PENALTIES. —

1. A person commits the [crime] **offense** of ["fraudulently stopping payment of an instrument["] if he **or she**, [knowingly,] with the purpose to defraud, stops payment on a check [or] , draft [given] , **or debit device used** in payment for the receipt of goods or services.

2. **The offense of** fraudulently stopping payment of an instrument is a class A misdemeanor, unless the face amount of the check or draft is [five] **seven** hundred **fifty** dollars or more or, if the stopping of payment of more than one check or draft is involved in the same course of conduct, the aggregate amount is [five] **seven** hundred **fifty** dollars or more, in which case the offense is a class [D] **E** felony.

3. It shall be prima facie evidence of a violation of this section if a person stops payment on a check [or] , draft, **or debit device** and fails to make good the check [or] , draft, **or debit device transaction, or fails to** return or make and comply with reasonable arrangements to return the property for which the check [or] , draft, **or debit device** was [given] **used** in the same or substantially the same condition as when received within ten days after notice in writing from the payee that the check [or] , draft, **or debit device transaction** has not been paid because of a stop payment order by the issuer to the drawee.

4. "Notice in writing" means notice deposited as certified or registered mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check [or] , draft, **or debit device transaction** or to his last known address. The notice shall contain a statement that failure to make good the check [or] , draft, **or debit device transaction** within ten days of receipt of the notice may subject the issuer to criminal prosecution.

570.130. FRAUDULENT USE OF A CREDIT DEVICE OR DEBIT DEVICE — PENALTY. — 1.

A person commits the [crime] **offense** of fraudulent use of a credit device or debit device if [the

person] **he or she** uses a credit device or debit device for the purpose of obtaining services or property, knowing that:

- (1) The device is stolen, fictitious or forged; or
- (2) The device has been revoked or canceled; or
- (3) For any other reason his **or her** use of the device is unauthorized; or
- (4) Uses a credit device or debit device for the purpose of paying property taxes and

knowingly cancels [said] **such** charges or payment without just cause. It shall be prima facie evidence of a violation of this section if a person cancels [said] **such** charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri department of revenue.

2. **The offense of** fraudulent use of a credit device or debit device is a class A misdemeanor unless the value of the property tax or the value of the property or services obtained or sought to be obtained within any thirty-day period is [five] **seven** hundred **fifty** dollars or more, in which case fraudulent use of a credit device or debit device is a class [D] **E** felony.

570.135. FRAUDULENT PROCUREMENT OF A CREDIT OR DEBIT CARD — PENALTY — LIMITATION OF LIABILITY. — 1. [No person shall] **A person commits the offense of fraudulent procurement of a credit or debit device if he or she:**

(1) Knowingly [make or cause] **makes or causes** to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit [card] or debit [card].

2. No person shall willfully obtains personal identifying information] **device; or**

(2) **Knowingly obtains a means of identification** of another person without the authorization of that person and [use] **uses** that [information] **means of identification** fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

[3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of]

2. **The offense of fraudulent procurement of a credit or debit device is** a class A misdemeanor.

[4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a person.

5.] **3.** Notwithstanding [subsections 1 to 4 of] **any other provision of** this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be liable under this section for accepting applications for credit [cards] or debit [cards] **devices** or for the **use of a** credit [cards] or debit [cards] **device** in any [credit or debit] transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit [card] or debit [card] **device**.

570.140. DECEPTIVE BUSINESS PRACTICE — PENALTY. — 1. A person commits the [crime] **offense** of deceptive business practice if in the course of engaging in a business, occupation or profession, he **or she** recklessly:

(1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; [or]

(2) Sells, offers [or exposes] , displays for sale, or delivers less than the represented quantity of any commodity or service; [or]

(3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he **or she** furnishes the weight or measure; [or]

(4) Sells, offers, or exposes for sale adulterated or mislabeled commodities; [or]

(5) Makes a false or misleading written statement for the purpose of obtaining property or credit;

(6) Promotes the sale of property or services by a false or misleading statement in any advertisement; or

(7) Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

(a) At the price which he or she offered them;

(b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or

(c) At all.

2. The offense of deceptive business practice is a class A misdemeanor.

570.145. FINANCIAL EXPLOITATION OF THE ELDERLY PERSON OR PERSON WITH A DISABILITY — PENALTIES — CERTAIN DEFENSE PROHIBITED, ADDITIONAL VIOLATION, RESTITUTION. — 1. A person commits the [crime] offense of financial exploitation of an elderly person or [disabled] a person with a disability if such person knowingly [by deception, intimidation, undue influence, or force] obtains control over the [elderly or disabled person's] property of the elderly person or person with a disability with the intent to permanently deprive the [elderly or disabled] person of the use, benefit or possession of his or her property thereby benefitting [such person] the offender or detrimentally affecting the elderly person or [disabled] person]. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than fifty dollars, a class D felony if the value of the property is fifty dollars but less than five hundred dollars, a class C felony if the value of the property is five hundred dollars but less than one thousand dollars, a class B felony if the value of the property is one thousand dollars but less than fifty thousand dollars, and a class A felony if the value of the property is fifty thousand dollars or more.

2. For purposes of this section, the following terms mean:

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

(2) "Disabled person", a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection;

(3) "Elderly person", a person sixty years of age or older;

(4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment;

(5) "Undue influence", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that persons's vulnerable

state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority] **with a disability** by:

- (1) **Deceit;**
- (2) **Coercion;**
- (3) **Creating or confirming another person's impression which is false and which the offender does not believe to be true;**
- (4) **Failing to correct a false impression which the offender previously has created or confirmed;**
- (5) **Preventing another person from acquiring information pertinent to the disposition of the property involved;**
- (6) **Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;**
- (7) **Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or**
- (8) **Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.**

2. The offense of financial exploitation of an elderly person or person with a disability is a class A misdemeanor unless:

- (1) **The value of the property is fifty dollars or more, in which case it is a class E felony;**
- (2) **The value of the property is seven hundred fifty dollars or more, in which case it is a class D felony;**
- (3) **The value of the property is five thousand dollars or more, in which case it is a class C felony;**
- (4) **The value of the property is twenty-five thousand dollars or more, in which case it is a class B felony; or**
- (5) **The value of the property is seventy-five thousand dollars or more, in which case it is a class A felony.**

3. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

4. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly **person** or [disabled] person **with a disability** in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly **person** or [disabled] person **with a disability** has become accustomed at the time of such actions.

6. It shall not be a defense to financial exploitation of an elderly **person** or [disabled] person **with a disability** that the accused reasonably believed that the victim was not an elderly **person** or [disabled] person **with a disability**.

7. (1) It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid-eligible elderly **person** or [disabled] person **with a disability** residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, Social Security, railroad retirement, or payments from any other

source disclosed as resident income contained in the records of the department of social services, family support division or its successor. The department of social services, family support division or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the state of Missouri for purposes of investigating or prosecuting any suspected violation of this section.

(2) The prosecuting or circuit attorney of any county containing a facility licensed under chapter 198, who successfully prosecutes a violation of the provisions of this subsection, may request the circuit court of the county in which the offender admits to or is found guilty of a violation, as a condition of sentence and/or probation, to order restitution of all amounts unlawfully withheld from a facility in his or her county. Any order of restitution entered by the court or by agreement shall provide that ten percent of any restitution installment or payment paid by or on behalf of the defendant or defendants shall be paid to the prosecuting or circuit attorney of the county successfully prosecuting the violation to compensate for the cost of prosecution with the remaining amount to be paid to the facility.

570.150. COMMERCIAL BRIBERY — PENALTY. — 1. A person commits the [crime] **offense** of commercial bribery **if he or she**:

(1) [If he] Solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity [to] , which he **or she** is subject to as:

- (a) **An** agent or employee of another;
- (b) **A** trustee, guardian or other fiduciary;
- (c) **A** lawyer, physician, accountant, appraiser or other professional adviser or informant;
- (d) **An** officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association; or
- (e) **An** arbitrator or other purportedly disinterested adjudicator or referee;

(2) [If] As a person who holds himself **or herself** out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, [he] solicits, accepts or agrees to accept any benefit to influence his **or her** selection, appraisal or criticism;

(3) [If he] Confers or offers or agrees to confer any benefit the acceptance of which would be criminal under subdivisions (1) and (2) of this section.

2. **The offense of** commercial bribery is a class A misdemeanor.

570.180. DEFRAUDING SECURED CREDITORS. — 1. A person commits the [crime] **offense** of defrauding secured creditors if he **or she** destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with purpose to defraud the holder of the security interest.

2. **The offense of** defrauding secured creditors is a class A misdemeanor unless the amount remaining to be paid on the secured debt, including interest, is [five] **seven hundred fifty** dollars or more, in which case defrauding secured creditors is a class [D] **E** felony.

570.210. LIBRARY THEFT, GUILTY OF STEALING. — 1. [A person commits the crime of library theft if with the purpose to deprive, such person:

(1) Knowingly removes any library material from the premises of a library without authorization; or

(2) Borrows or attempts to borrow any library material from a library by use of a library card:

- (a) Without the consent of the person to whom it was issued; or
- (b) Knowing that the library card is revoked, canceled or expired; or
- (c) Knowing that the library card is falsely made, counterfeit or materially altered; or
- (3) Borrows library material from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and, with the purpose to deprive the library of the library material, fails to return the library material to the library; or

(4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book, document, or other library material belonging to, on loan to, or otherwise in the custody of a library.

2. It shall be prima facie evidence of the person's purpose to deprive the library of the library materials if, within ten days after notice in writing deposited as certified mail from the library demanding the return of such library material, such person without good cause shown fails to return the library material. A person is presumed to have received the notice required by this subsection if the library mails such notice to the last address provided to the library by such person. Payment to the library, in an amount equal to the fair market value of an item of no historical significance shall be considered returning the item for purposes of this subsection.

3. The crime of library theft is a class C misdemeanor if the value of the library materials is less than five hundred dollars. The crime of library theft is a class C felony if the value of the library material is between five hundred dollars and twenty-five thousand dollars. The crime of library theft is a class B felony if the value of the library material is greater than twenty-five thousand dollars.] **Any person who:**

(1) **Knowingly removes any library material from the premises of a library without authorization;**

(2) **Borrows or attempts to borrow any library material from a library by the unauthorized use of a library card;**

(3) **Borrows library materials from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and fails to return the library material to the library; or**

(4) **Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book, document, or other library material belonging to, on loan to, or otherwise in the custody of a library;**

shall be deemed to have appropriated said item with the intent to deprive the library of said item without its consent and shall be guilty of the offense of stealing under section 570.030.

2. **It shall be prima facie evidence of the person's purpose to deprive the library of the library materials if, within ten days after notice in writing deposited as certified mail from the library demanding the return of such library material, such person without good cause shown fails to return the library material. A person is presumed to have received the notice required by this subsection if the library mails such notice to the last address provided to the library by such person. Payment to the library, in an amount equal to the cost of replacement of an item of no historical significance shall be considered returning the item for purposes of this subsection.**

570.217. MISAPPLICATION OF FUNDS OF A FINANCIAL INSTITUTION — PENALTIES. —

1. A person commits the [crime] **offense** of misapplication of funds of a financial institution if, being an officer, director, agent, or employee of, or connected in any capacity with, any [bank, trust company, savings and loan association, or credit union] **financial institution**, he or she embezzles, [abstracts, purloins] **appropriates**, or [willfully] **purposely** misapplies any of the money, funds, or credits of such **financial** institution or any moneys, funds, assets, or securities entrusted to the custody or care of such **financial** institution, or to the custody or care of any such agent, officer, director, employee, or receiver.

2. **The offense of** misapplication of funds of a financial institution is a class [C] **E** felony, [but if] **unless** the amount embezzled, [abstracted, purloined] **appropriated**, or misapplied [does not exceed one thousand dollars,] **is seven hundred fifty dollars or more, in which case it is** a class D felony.

570.219. FALSE ENTRIES IN THE RECORDS OF A FINANCIAL INSTITUTION WITH INTENT TO DEFRAUD — PENALTY. — 1. A person commits the [crime] **offense** of making false entries

in the records of a financial institution if he **or she** makes any false entry in any book, report, or statement of a [bank, trust company, savings and loan association, or credit union] **financial institution** with intent to injure or defraud such [bank, trust company, savings and loan association, or credit union] **financial institution**, or any other [company, body politic or corporate, or any individual person] **entity**, or with intent to deceive any officer or director of [such bank, trust company, savings and loan association, or credit union,] **a financial institution** or any agent or examiner appointed to examine the affairs of such [bank, trust company, savings and loan association, or credit union] **financial institution**.

2. **The offense of making false entries in the records of a financial institution is a class [C] D felony.**

570.220. CHECK KITING — COLLECTED FUNDS DEFINED — PENALTY. — 1. A person commits the [crime] **offense of check kiting** if he[, pursuant to a scheme or artifice] **or she, with intent** to defraud, obtains money from a financial institution by drawing a check against an account in which there [are] **is** not sufficient collected funds to pay the check and, [as part of the scheme or artifice,] he **or she** purports to cover that check by depositing in such account another check drawn against insufficient collected funds.

2. For purposes of this section, the term ["financial institution" shall mean a bank, trust company, savings and loan association, or credit union; "check" shall include any check, draft, negotiable order of withdrawal, or similar instrument used to transfer or withdraw funds held in a deposit account at a financial institution; and the term] "collected funds" [shall mean] **means** that portion of a deposit account representing checks and other credits as to which the depository has directly and affirmatively verified that final payment has been made or, in the alternative, with respect to checks as to which at least ten business days have elapsed, without return of the checks, since presentation for payment.

3. **The offense of check kiting is a class [C] E felony.**

570.223. IDENTITY THEFT — PENALTY — RESTITUTION — OTHER CIVIL REMEDIES AVAILABLE — EXEMPTED ACTIVITIES. — 1. A person commits the [crime] **offense of identity theft** if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his or her use.

2. [The term "means of identification" as used in this section includes, but is not limited to, the following:

- (1) Social Security numbers;
- (2) Drivers license numbers;
- (3) Checking account numbers;
- (4) Savings account numbers;
- (5) Credit card numbers;
- (6) Debit card numbers;
- (7) Personal identification (PIN) code;
- (8) Electronic identification numbers;
- (9) Digital signatures;
- (10) Any other numbers or information that can be used to access a person's financial resources;
- (11) Biometric data;
- (12) Fingerprints;
- (13) Passwords;
- (14) Parent's legal surname prior to marriage;
- (15) Passports; or
- (16) Birth certificates.

3. A person found guilty of identity theft shall be punished as follows:

(1) Identity theft or attempted identity theft which does not result in the theft or appropriation of credit, money, goods, services, or other property] **The offense of identity theft is a class B misdemeanor**;

(2) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property] **unless the identity theft results in the theft or appropriation of credit, money, goods, services, or other property:**

(1) Not exceeding [five] **seven hundred fifty** dollars in value, **in which case it is a class A misdemeanor**;

[3) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property]

(2) Exceeding [five] **seven hundred fifty** dollars and not exceeding [five] **twenty-five** thousand dollars in value, **in which case it is a class [C] D felony**;

[4) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property]

(3) Exceeding [five] **twenty-five** thousand dollars and not exceeding [fifty] **seventy-five** thousand dollars in value, **in which case it is a class [B] C felony**;

[5) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property]

(4) Exceeding [fifty] **seventy-five** thousand dollars in value, **in which case it is a class [A] B felony**.

[4.] **3.** In addition to the provisions of subsection [3] **2** of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:

(1) In clearing the credit history or credit rating of the victim; and

(2) In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.

[5.] **4.** In addition to the criminal penalties in subsections [3] **2** and [4] **3** of this section, any person who commits an act made unlawful by subsection 1 of this section shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars for each incident, or three times the amount of actual damages, whichever amount is greater. A person damaged as set forth in subsection 1 of this section may also institute a civil action to enjoin and restrain future acts that would constitute a violation of subsection 1 of this section. The court, in an action brought under this subsection, may award reasonable attorneys' fees to the plaintiff.

[6.] **5.** If the identifying information of a deceased person is used in a manner made unlawful by subsection 1 of this section, the deceased person's estate shall have the right to recover damages pursuant to subsection [5] **4** of this section.

[7.] **6.** Civil actions under this section must be brought within five years from the date on which the identity of the wrongdoer was discovered or reasonably should have been discovered.

[8.] **7.** Civil action pursuant to this section does not depend on whether a criminal prosecution has been or will be instituted for the acts that are the subject of the civil action. The rights and remedies provided by this section are in addition to any other rights and remedies provided by law.

[9.] **8.** This section and section 570.224 shall not apply to the following activities:

(1) A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors]. Nothing in this subdivision shall affect the provisions of subsection 10 of this section];

(2) A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;

(3) A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;

(4) A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so;

(5) A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution.

[10. Any person who obtains, transfers, or uses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a person under the age of twenty-one for the purpose of purchasing or obtaining alcohol shall be guilty of a class A misdemeanor.

11.] **9.** Notwithstanding the provisions of subdivision (1) or (2) of subsection [3] **2** of this section, every person who has previously [pled guilty to or] been found guilty of identity theft or attempted identity theft, and who subsequently [pleads guilty to or] is found guilty of identity theft or attempted identity theft of credit, money, goods, services, or other property not exceeding [five hundred] **seven hundred fifty** dollars in value is guilty of a class [D] **E** felony and shall be punished accordingly.

[12. The value of property or services is its highest value by any reasonable standard at the time the identity theft is committed. Any reasonable standard includes, but is not limited to, market value within the community, actual value, or replacement value.

13.] **10.** If credit, property, or services are obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the identity thefts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single identity theft and the value may be the total value of all credit, property, and services involved.

570.224. TRAFFICKING IN STOLEN IDENTITIES — POSSESSION OF DOCUMENTS, EXEMPTIONS — PENALTY. — 1. A person commits the [crime] **offense** of trafficking in stolen identities [when such person] **if he or she, for the purpose of committing identity theft, manufactures, sells, transfers, [purchases,] or possesses[,] with intent to sell or transfer means of identification [as defined in subsection 2 of section 570.223, for the purpose of committing identity theft].**

2. Possession of five or more means of identification of the same person or possession of means of identification of five or more separate persons shall be evidence that the identities are possessed with intent to manufacture, sell, or transfer means of identification for the purpose of committing identity theft. In determining possession of five or more means of identification of the same person, or possession of means of identification of five or more separate persons for the purposes of evidence pursuant to this subsection, the following do not apply:

(1) The possession of his or her own identification documents;

(2) The possession of the identification documents of a person who has consented to the person at issue possessing his or her identification documents.

3. **The offense** of trafficking in stolen identities is a class B felony.

570.225. MISAPPROPRIATION OF INTELLECTUAL PROPERTY — PENALTY — DEFINITIONS. — [No] **1.** A person [shall] **commits the offense of misappropriation of intellectual property if he or she,** without the consent of the owner[, transfer or cause to be transferred] :

(1) Copies any sounds recorded on [a phonograph record, disc, wire, tape, film, videocassette or other article or] **any** medium now known or later developed on which sounds are recorded, with the [intent] **purpose** to sell or cause to be sold for profit or used to promote the sale of any article on which sounds are [so] transferred, except that this section shall only apply to sound recordings initially fixed prior to February 15, 1972;

(2) Records sounds or images of any performance whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell the performance or cause it to be sold for profit;

(3) Offers for sale, sells, or processes for such purposes any article that has been produced in violation of subdivision (1) or (2) of subsection 1 of this section, knowing, or having reasonable grounds to know, that the sounds or images thereon have been so copied or recorded without the consent of the owner; or

(4) Advertises, rents, sells, offers for rental or sale, or possesses for such purposes any medium now known or later developed on which sounds or images are recorded if the article's label, cover, box or jacket does not contain in clearly readable print the name and address of the manufacturer.

2. This section shall not apply to:

(1) Any radio or television broadcaster who transfers any such sounds as part of, or in connection with, a radio or television broadcast transmission or for archival preservation;

(2) Any person transferring any such sounds at home for his or her personal use without any compensation being derived by such person or any other person from such transfer; or

(3) Any cable television company that transfers any such sounds as part of its regular cable television service.

3. The offense of misappropriation of intellectual property is a class A misdemeanor unless:

(1) One hundred or more articles were involved; or

(2) A person is found guilty of violating this section, and that person has previously been found guilty of a violation of this section; in which case it is a class D felony.

4. As used in this section, the following terms mean:

(1) "Audiovisual works", works that consist of a series of related images which are intrinsically intended to be shown by the use of machines, electronic equipment or other devices, now known or later developed, together with accompanying sounds, if any;

(2) "Manufacturer", the person who transfers or causes to be transferred any sounds or images to the particular article, medium, recording or other physical embodiment of such sounds or images then in issue;

(3) "Motion pictures", audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(4) "Owner", the person who owns the sounds of any performance not yet fixed in a medium of expression, or the original fixation of sounds embodied in the master device or medium now known or later developed for the use of reproducing sounds, or other articles or media upon which sound is or may be recorded, and from which the copied recorded sounds are directly or indirectly derived;

(5) "Person", any natural person, corporation or other business entity.

570.300. FACILITATING THE THEFT OF CABLE TELEVISION SERVICE — PENALTY. — 1.

A person commits the [crime] offense of **facilitating the theft** of cable television service if he[]:

(1) Knowingly obtains or attempts to obtain cable television service without paying all lawful compensation to the operator of such service, by means of artifice, trick, deception or device; or

(2) Knowingly assists another person in obtaining or attempting to obtain cable television service without paying all lawful compensation to the operator of such service; or

(3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires or other devices used for the distribution of cable television if the effect of such action is to obtain cable television without paying all lawful compensation therefor; or

(4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device, plan or kit designed and intended to obtain cable television service in violation of this section; or

(5) Knowingly attempts to connect to, tamper with, or otherwise interfere with any cable television signal, cables, wires, devices, or equipment, which is used for the distribution of cable television and which results in the unauthorized use of a cable television system or the disruption of the delivery of the cable television service. Nothing in this section shall be construed to prohibit, restrict, or otherwise limit the purchase, sale, or use of any products, including without limitation hardware, software, or other items, intended to provide services and features to a customer who has lawfully obtained a connection from a cable company] **or she knowingly sells, uses, manufactures, rents, or offers for sale, rental, or use any device, plan, or kit designed and intended to obtain cable television without paying all lawful compensation to the operator of such service.**

2. **The offense of facilitating** theft of cable television service is a class [C] **D** felony] if the value of the service appropriated is five hundred dollars or more or if the theft is a violation of subdivision (5) of subsection 1 of this section, otherwise theft of cable television services is a class A misdemeanor.

3. Any cable television operator may bring an action to enjoin and restrain any violation of the provisions of this section or bring an action for conversion. In addition to any actual damages, an operator may be entitled to punitive damages and reasonable attorney fees in any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage. In the event of a defendant's verdict the defendant may be entitled to reasonable attorney fees.

4. The existence on the property and in the actual possession of the accused of any connection wire, or conductor, which is connected in such a manner as to permit the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that the accused has committed the crime of theft of cable television service.

5. If a cable television company either:

(1) Provides unsolicited cable television service; or

(2) Fails to change or disconnect cable television service within ten days after receiving written notice to do so by the customer, the customer may deem such service to be a gift without any obligation to the cable television company from ten days after such written notice is received until the service is changed or disconnected].

[6.] **3.** Nothing in this section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or devices commonly known as a satellite receiving dish for the purpose of receiving and utilizing satellite-relayed television signals for his **or her** own use.

[7. As used in this section, the term "cable television service" includes microwave television transmission from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment.]

[578.500.] 570.302. OPERATING AN AUDIOVISUAL RECORDING DEVICE IN A MOTION PICTURE THEATER — DEFINITIONS — PENALTY. — 1. [Any] A person commits the offense of operating an audiovisual recording device in a motion picture theater if he or she, while a motion picture is being exhibited, [who] knowingly operates an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the motion picture theater [shall be guilty of criminal use of real property].

2. As used in this section, the term "audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed.

3. As used in this section, the term "motion picture theater" means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense, but excluding the lobby, entrance, or other areas of the building where a motion picture cannot be viewed.

4. The provisions of this section shall not prevent any lawfully authorized investigative, law enforcement protective, or intelligence-gathering employee or agent, of the state or federal government, from operating any audiovisual recording device in any facility where a motion picture is being exhibited, as part of lawfully authorized investigative, protective, law enforcement, or intelligence-gathering activities. The owner or lessee of a facility where a motion picture is being exhibited, or the authorized agent or employee of such owner or lessee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken by such owner, lessee, agent, or employee in the course of subsequently detaining a person that the owner, lessee, agent, or employee in good faith believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that such measures were unreasonable or the period of detention was unreasonably long.

5. [Any person who has pled guilty to or been found guilty of violating the provisions of this section shall be guilty of] **The offense of operating an audiovisual recording device in a motion picture theater is a class A misdemeanor, unless the person has previously [pled guilty or] been found guilty of violating the provisions of this section, in which case it is a class [D] E felony.**

570.310. MORTGAGE FRAUD — PENALTY — VENUE. — 1. [It is unlawful for] A person **commits the offense of mortgage fraud if he or she**, in connection with the application for or procurement of a loan secured by real estate [to] , willfully:

- (1) [Employ] **Employs** a device, scheme, or artifice to defraud;
- (2) [Make] **Makes** an untrue statement of a material fact or [to omit] **omits** to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading;
- (3) [Receive] **Receives** any portion of the purchase, sale, or loan proceeds, or any other consideration paid or generated in connection with a real estate closing that such person knew involved a violation of this section; or
- (4) [Influence] **Influences**, through extortion or bribery, the development, reporting, result, or review of a real estate appraisal, except that this subsection does not prohibit a mortgage lender, mortgage broker, mortgage banker, real estate licensee, or other person from asking the appraiser to do one or more of the following:
 - (a) Consider additional property information;
 - (b) Provide further detail, substantiation, or explanation for the appraiser's value conclusion; or
 - (c) Correct errors in the appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice.

2. [Such acts shall be deemed to constitute mortgage fraud.

3.] **The offense of mortgage fraud is a class [C] D felony.**

[4.] **3.** Each transaction in violation of this section shall constitute a separate offense.

[5.] **4.** Venue over any dispute relating to mortgage fraud or a conspiracy or endeavor to engage in or participate in a pattern of mortgage fraud shall be:

- (1) In the county in which the real estate is located;
- (2) In the county in which any act was performed in furtherance of mortgage fraud;
- (3) In any county in which any person alleged to have violated this section had control or possession of any proceeds from mortgage fraud;
- (4) In any county in which a related real estate closing occurred; or

(5) In any county in which any document related to a mortgage fraud is filed with the recorder of deeds.

[6. Prosecution under the provisions of this section shall not preclude:

(1) The power of this state to punish a person for conduct that constitutes a crime under other laws of this state;

(2) A civil action by any person;

(3) Administrative or disciplinary action by the state or the United States or by any agency of the state or the United States;

(4) A civil forfeiture action; or

(5) An action under chapter 407.]

5. The punishment imposed under this section shall be in addition to any punishment provided by law for the offense.

[578.510.] 570.350. MISUSE OF MILITARY MEDALS, PENALTY — MISREPRESENTATION OF AWARDING OF MILITARY MEDALS, PENALTY — FRAUDULENT USE OF THE TITLE OF VETERAN, PENALTY. — 1. This section shall be known and may be cited as the "Stolen Valor Act of 2007".

2. Any person who, with the intent to misrepresent himself or herself as a veteran or medal recipient, knowingly wears, purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized under chapter 41, or by the Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations promulgated under law, is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class [D] E felony.

3. Any person who misrepresents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized under chapter 41, or by Congress for the armed forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class [D] E felony.

4. Any person who fraudulently uses the title of "veteran", as defined by the United States Department of Veterans Affairs or its successor agency, in order to obtain personal benefit, monetary or otherwise, and such person does not have verifiable proof of his or her status as a veteran is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class [D] E felony.

5. If a decoration or medal involved in an offense described in subsections 2 to 4 of this section is a distinguished-service cross awarded under Section 3742 of Title 10 of the United States Code, a Navy Cross awarded under Section 6242 of Title 10 of the United States Code, an Air Force Cross awarded under Section 8742 of Section 10 of the United States Code, a Silver Star awarded under Section 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple Heart awarded under Section 1129 of Title 10 of the United States Code, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the penalty provided in subsection 2, 3, or 4 of this section, the offender is guilty of a class [D] E felony.

6. If a decoration or medal involved in an offense described in subsections 2 to 4 of this section is the Medal of Honor awarded under Section 1560 of Title 38 of the United States Code, the offender is guilty of a class [C] D felony.

[578.570.] 570.375. FRAUD OR DECEPTION IN OBTAINING AN INSTRUCTION PERMIT, DRIVER'S LICENSE, OR NONDRIVER'S LICENSE — PENALTY. — [Any] 1. A person [who] commits the offense of fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license if he or she:

(1) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in committing fraud or deception during the examination process for an instruction permit, driver's license, or nondriver's license;

(2) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in [making application] **applying** for an instruction permit, driver's license, or nondriver's license that contains or is substantiated with false or fraudulent information or documentation;

(3) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in concealing a material fact or otherwise committing a fraud in an application for an instruction permit, driver's license, or nondriver's license; or

(4) Engages in any conspiracy to commit any of the preceding acts or aids or abets the commission of any of the preceding acts[;].

2. The offense of fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license is [guilty of] a class A misdemeanor.

570.380. MASS MANUFACTURE OR POSSESSION OF FIVE OR MORE FAKE IDs — PENALTY. — [Any] **1. A person [who] commits the offense of mass manufacture or possession of fake IDs if he or she manufactures or possesses five or more fictitious or forged means of identification, as defined in section [570.223] 570.010, with the intent to distribute to others for the purpose of committing [a crime shall be guilty of a class C felony] an offense.**

2. The offense of mass manufacture or possession of fake IDs is a class D felony.

[578.377.] 570.400. UNLAWFUL RECEIPT OF PUBLIC ASSISTANCE BENEFITS OR EBT CARDS — PENALTIES. — 1. A person commits the [crime] **offense** of unlawfully receiving public assistance benefits or EBT cards if he or she knowingly receives or uses the proceeds of public assistance benefits or EBT cards to which he or she is not lawfully entitled or for which he or she has not applied and been approved by the department to receive.

2. **The offense of unlawfully receiving public assistance benefits or EBT cards is a class [D felony unless the face value of the public assistance benefits or EBT cards is less than five hundred dollars, in which case unlawful receiving of public assistance benefits or EBT cards is a class] A misdemeanor, unless the face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second offense of unlawfully receiving public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class E felony.** [A person who is found guilty of a second offense of unlawfully receiving public assistance benefits or EBT cards in an amount less than five hundred dollars shall be guilty of a class D felony.] Any person who is found guilty of a second or subsequent offense of felony unlawfully receiving public assistance benefits or EBT cards, **or any person who is found guilty of an offense under this section and has previously been found guilty of two violations under sections 570.400 to 570.410,** shall be guilty of a class [C] **D felony.** Any person who is found guilty of felony unlawfully receiving of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence.

3. In addition to any criminal penalty, any person found guilty of unlawfully receiving public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

[578.379.] 570.402. CONVERSION OF PUBLIC ASSISTANCE BENEFITS OR EBT CARDS — PENALTIES. — 1. A person commits the [crime] **offense** of conversion of public assistance benefits or EBT cards if he or she knowingly engages in any transaction to convert public assistance benefits or EBT cards to other property contrary to statutes, rules and regulations, either state or federal, governing the use of public assistance benefits.

2. **The offense of** unlawful conversion of public assistance benefits or EBT cards is a class [D felony unless the face value of said public assistance benefits or EBT cards is less than five hundred dollars, in which case unlawful conversion of public assistance benefits or EBT cards is a class] A misdemeanor, **unless the face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second offense of unlawful conversion of public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class E felony.** [A person who is found guilty of a second offense of unlawful conversion of public assistance benefits or EBT cards in an amount less than five hundred dollars shall be guilty of a class D felony.] Any person who is found guilty of a second or subsequent offense of felony unlawful conversion of public assistance benefits or EBT cards, **or any person who is found guilty of an offense under this section and has previously been found guilty of two or more violations under sections 570.400 to 570.410,** shall be guilty of a class [C] D felony. Any person who is found guilty of felony unlawful conversion of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence.

3. In addition to any criminal penalty, any person found guilty of unlawful conversion of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

[578.381.] 570.404. UNLAWFUL TRANSFER OF PUBLIC ASSISTANCE BENEFITS OR EBT CARDS — PENALTIES. — 1. A person commits the [crime] **offense** of unlawful transfer of public assistance benefits or EBT cards if he or she knowingly transfers public assistance benefits or EBT cards to another not lawfully entitled or approved by the department of social services to receive the public assistance benefits or EBT cards.

2. **The offense of** unlawful transfer of public assistance benefits or EBT cards is a class [D felony unless the face value of said public assistance benefits or EBT cards is less than five hundred dollars, in which case unlawful transfer of public assistance benefits or EBT cards is a class] A misdemeanor, **unless the face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second offense of unlawful transfer of public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class E felony.** [A person who is found guilty of a second offense of unlawful transfer of public assistance benefits or EBT cards in an amount less than five hundred dollars shall be guilty of a class D felony.] Any person who is found guilty of a second or subsequent offense of felony unlawful transfer of public assistance benefits, **or any person who is found guilty of an offense under this section and has been found guilty of two or more violations under sections 570.400 to 570.410,** shall be guilty of a class [C] D felony. Any person who is found guilty of felony unlawful transfer of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence.

3. In addition to any criminal penalty, any person found guilty of unlawful transfer of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

[578.383.] 570.406. SINGLE CRIMINAL EPISODE, WHEN. — The face value of public assistance benefits or EBT cards stolen, possessed, transferred or converted from one scheme or course of conduct, whether from one or several rightful possessors, or at the same or different times shall constitute a single criminal episode and their face values may be aggregated in determining the grade of offense.

[578.385.] 570.408. PERJURY FOR THE PURPOSE OF OBTAINING PUBLIC ASSISTANCE — PENALTY. — 1. A person commits the [crime] **offense** of perjury for the purpose of [this section] **obtaining public assistance** if he **or she** knowingly makes a false or misleading statement or misrepresents a fact material for the purpose of obtaining public assistance if the false or misleading statement is reduced to writing and verified by the signature of the person making the statement and by the signature of any employee of the Missouri department of social services. The same person may not be charged with unlawfully receiving public assistance benefits and perjury pursuant to this section when both offenses arise from the same application for benefits.

2. A statement or fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the granting of public assistance.

3. Knowledge of the materiality of the statement or fact is not an element of this [crime] **offense**, and it is no defense that:

(1) The [defendant] **person** mistakenly believed the fact to be immaterial; or

(2) The [defendant] **person** was not competent, for reasons other than mental disability, to make the statement.

4. [Perjury committed as part of a transaction involving the making of an application to obtain public assistance is a class D felony unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is less than five hundred dollars in which case it is a class A misdemeanor] **The offense of perjury for the purpose of obtaining public assistance is a class A misdemeanor, unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is seven hundred fifty dollars or more, in which case it is a class E felony, or the person has previously been found guilty of two violations under sections 570.400 to 570.410, in which case it is a class D felony.**

[578.387.] 570.410. DIRECTOR OF DEPARTMENT OF SOCIAL SERVICES, ATTORNEY GENERAL — INVESTIGATIVE POWERS — IMPROPER DISCLOSURE OF INFORMATION, PENALTY. — 1. For the purpose of any investigation or proceeding relating to public assistance unlawfully received or an application for public assistance unlawfully tendered, the director of the department **of social services** or any officer designated by him [and/or] **or her** or the attorney general for the state of Missouri or any officer designated by him **or her** may administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, require answers to written interrogatories and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the director of the department [and/or] **or the attorney general** deem relevant and material to the inquiry.

2. In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the circuit court of any county of the state or the city of St. Louis, upon application by the department director [and/or] **or the attorney general** may issue to the person an order requiring him **or her** to appear before the department director[,], or the officer designated by him **or her**, [and/or] **or the attorney general**[,], or the officer designated by him **or her**, there to produce documentary evidence if so ordered or to give testimony or answer interrogatories touching the matter under investigation or in question in accordance with the forms and procedures otherwise authorized by the Rules of Civil Procedure. Failure to obey the order of the court may be punished by the court as a contempt of court.

3. Information or documents obtained under this section by the director of the department [and/or] **or the attorney general** shall not be disclosed except in the course of civil or criminal litigation or to another prosecutorial or investigative agency, or to the divisions of the department.

4. [Anyone improperly disclosing information obtained] **The offense of improper disclosure** under this section is [guilty of] a class A misdemeanor.

5. The provisions of this section do not repeal existing provisions of law and shall be construed as supplementary thereto.

572.010. CHAPTER DEFINITIONS. — As used in this chapter **the following terms mean:**

(1) "Advance gambling activity", a person "advances gambling activity" if, acting other than as a player, he **or she** engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his **or her** knowledge for purposes of gambling activity, he **or she** permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840 does not constitute advancing gambling activity;

(2) "Bookmaking", [means] advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;

(3) "Contest of chance" [means] , any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein;

(4) "Gambling", a person engages in "gambling" when he **or she** stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his **or her** control or influence, upon an agreement or understanding that he **or she** will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value. Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840;

(5) "Gambling device" [means] , any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition;

(6) "Gambling record" [means] , any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity;

(7) "Lottery" or "policy" [means] , an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance;

(8) "Player" [means] , a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in subdivision (2) of this section is not a "player";

(9) "Professional player" [means], a player who engages in gambling for a livelihood or who has derived at least twenty percent of his **or her** income in any one year within the past five years from acting solely as a player;

(10) "Profit from gambling activity", a person "profits from gambling activity" if, other than as a player, he **or she** accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(11) "Slot machine" [means] , a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

(12) "Something of value" [means] , any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;

(13) "Unlawful" [means] , not specifically authorized by law.

572.015. CONSTITUTIONALLY AUTHORIZED ACTIVITIES NOT PROHIBITED. — Nothing in this chapter prohibits constitutionally authorized activities under article III, sections 39(a) to 39(f) of the Missouri Constitution.

572.020. GAMBLING — PENALTY. — 1. A person commits the [crime] **offense** of gambling if he **or she** knowingly engages in gambling.

2. **The offense of gambling** is a class C misdemeanor unless:

(1) It is committed by a professional player, in which case it is a class [D felony] **A misdemeanor**; or

(2) The person knowingly engages in gambling with a [minor] **child less than seventeen years of age**, in which case it is a class B misdemeanor.

572.030. PROMOTING GAMBLING IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of promoting gambling in the first degree if he **or she** knowingly advances or profits from unlawful gambling or lottery activity by:

(1) Setting up and operating a gambling device to the extent that more than one hundred dollars of money is gambled upon or by means of the device in any one day, or setting up and operating any slot machine; or

(2) Engaging in bookmaking to the extent that he **or she** receives or accepts in any one day more than one bet and a total of more than one hundred dollars in bets; or

(3) Receiving in connection with a lottery or policy or enterprise:

(a) Money or written records from a person other than a player whose chances or plays are represented by such money or records; or

(b) More than one hundred dollars in any one day of money played in the scheme or enterprise; or

(c) Something of value played in the scheme or enterprise with a fair market value exceeding one hundred dollars in any one day.

2. **The offense of promoting gambling in the first degree** is a class [D] **E felony**.

572.040. PROMOTING GAMBLING IN THE SECOND DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of promoting gambling in the second degree if he **or she** knowingly advances or profits from unlawful gambling or lottery activity.

2. **The offense of promoting gambling in the second degree is a class A misdemeanor.**

572.050. POSSESSION OF GAMBLING RECORDS IN THE FIRST DEGREE — PENALTY. —

1. A person commits the [crime] **offense** of possession of gambling records in the first degree if, with knowledge of the contents thereof, he **or she** possesses any gambling record of a kind used:

(1) In the operation or promotion of a bookmaking scheme or enterprise, and constituting, reflecting or representing more than five bets totaling more than five hundred dollars; or

(2) In the operation, promotion or playing of a lottery or policy scheme or enterprise, and constituting, reflecting or representing more than five hundred plays or chances therein.

2. [A person does not commit a crime] **No offense is committed** under subdivision (1) of subsection 1 of this section if the gambling record possessed by the [defendant] **person** constituted, reflected or represented **his or her own** bets [of the defendant himself] in a number not exceeding ten.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. **The offense of possession of gambling records in the first degree is a class [D] E felony.**

572.060. POSSESSION OF GAMBLING RECORDS IN THE SECOND DEGREE — PENALTIES. —

1. A person commits the [crime] **offense** of possession of gambling records in the second degree if, with knowledge of the contents thereof, he **or she** possesses any gambling record of a kind used:

(1) In the operation or promotion of a bookmaking scheme or enterprise; or

(2) In the operation, promotion or playing of a lottery or policy scheme or enterprise.

2. [A person does not commit a crime] **No offense is committed** under subdivision (1) of subsection 1 of this section if the gambling record possessed by the [defendant] **person** constituted, reflected or represented bets [of the defendant himself] in a number not exceeding ten.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. **The offense of possession of gambling records in the second degree is a class A misdemeanor.**

572.070. POSSESSION OF A GAMBLING DEVICE. — 1. A person commits the [crime] **offense** of possession of a gambling device if, with knowledge of the character thereof, he **or she** manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(1) A slot machine; or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.

2. **The offense of possession of a gambling device is a class A misdemeanor.**

573.010. DEFINITIONS. — As used in this chapter the following terms shall mean:

(1) **"Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;**

(2) **"Characterized by", describing the essential character or dominant theme of an item;**

(3) **"Child", any person under the age of fourteen;**

[(2)] (4) **"Child pornography":**

(a) Any obscene material or performance depicting sexual conduct, sexual contact **as defined in section 566.010**, or a sexual performance[, as these terms are defined in section 556.061.] and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor [under the age of eighteen]; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, **in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct;** or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. **"Identifiable minor" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to require proof of the actual identity of the identifiable minor;**

[(3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;

(4) (5) **"Employ", "employee", or "employment", any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;**

(6) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

[(5)] (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

[(6) "Graphic", when used with respect to a depiction of sexually explicit conduct, that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted;

(7) "Identifiable minor":

(a) A person:

a. (i) Who was a minor at the time the visual depiction was created, adapted, or modified; or

(ii) Whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

b. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(b) The term shall not be construed to require proof of the actual identity of the identifiable minor;

(8) "Indistinguishable", when used with respect to a depiction, virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. Indistinguishable does

not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults;

(9)] **(8)** "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

[(10)] **(9)** "Minor", any person [under the age of] **less than eighteen years of age**;

[(11)] **(10)** "Nudity" or "**state of nudity**", the showing of [postpubertal] **the human genitals [or] , pubic area, vulva, anus, anal cleft, or the female breast** with less than a fully opaque covering of **any part of the nipple or areola**;

[(12)] **(11)** "Obscene", any material or performance [is obscene] if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

(12) "Operator", any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;

(13) "Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

(14) "Pornographic for minors", any material or performance [is pornographic for minors] if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, [sexual excitement] **the condition of human genitals when in a state of sexual stimulation or arousal**, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(15) "Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;

(16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

(17) "Regularly", the consistent and repeated doing of the act so described;

[(16)] **(18)** "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the

cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

~~[(17)]~~ **(20)** "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

~~[(18)]~~ **(21)** "Sexually explicit conduct", actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

~~[(19)]~~ "Sexual excitement", the condition of human male or female genitals when in a state of sexual stimulation or arousal;

~~(20)]~~ **(22)** "Sexually oriented business" includes:

(a) **An adult bookstore or adult video store.** "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of such items; or

b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to

any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;
 b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) "Specified sexual activity", includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) "Substantial", at least thirty percent of the item or items so modified;

(27) "Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;

(21) "Wholesale promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution].

573.020. PROMOTING OBSCENITY IN THE FIRST DEGREE — PENALTY. — 1. A person commits the [crime] offense of promoting obscenity in the first degree if, **knowing of its content and character, such person:**

(1) [He or she] Wholesale promotes or possesses with the purpose to wholesale promote any obscene material; or

(2) [He or she] Wholesale promotes for minors or possesses with the purpose to wholesale promote for minors any material pornographic for minors; or

(3) [He or she] Promotes, wholesale promotes or possesses with the purpose to wholesale promote for minors material that is pornographic for minors via computer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. **The offense of promoting obscenity in the first degree is a class [D] E felony.**

3. **As used in this section, "wholesale promote" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.**

573.023. SEXUAL EXPLOITATION OF A MINOR — PENALTIES. — 1. A person commits the [crime] offense of sexual exploitation of a minor if such person knowingly or recklessly photographs, films, videotapes, produces or otherwise creates obscene material with a minor or child pornography.

2. **The offense of** sexual exploitation of a minor is a class B felony unless the minor is a child, in which case it is a class A felony.

573.025. PROMOTING CHILD PORNOGRAPHY IN THE FIRST DEGREE — PENALTIES. —

1. A person commits the [crime] **offense** of promoting child pornography in the first degree if, **knowing of its content and character**, such person possesses with the intent to promote or promotes child pornography of a child less than fourteen years of age or obscene material portraying what appears to be a child less than fourteen years of age.

2. **The offense of** promoting child pornography in the first degree is a class B felony unless the person knowingly promotes such material to a minor, in which case it is a class A felony. No person who [pleads guilty to or] is found guilty of[, or is convicted of,] promoting child pornography in the first degree shall be eligible for probation, parole, or conditional release for a period of three calendar years.

3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.

573.030. PROMOTING OBSCENITY IN THE SECOND DEGREE — PENALTIES. — 1. A person commits the [crime] **offense** of promoting pornography for minors or obscenity in the second degree if, **knowing of its content and character**, he or she:

(1) Promotes or possesses with the purpose to promote any obscene material for pecuniary gain; or

(2) Produces, presents, directs or participates in any obscene performance for pecuniary gain; or

(3) Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or

(4) Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or

(5) Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. **The offense of** promoting pornography for minors or obscenity in the second degree is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of an offense pursuant to this section committed at a different time, in which case it is a class [D] **E** felony.

573.035. PROMOTING CHILD PORNOGRAPHY IN THE SECOND DEGREE — PENALTIES. —

1. A person commits the [crime] **offense** of promoting child pornography in the second degree if, **knowing of its content and character**, such person possesses with the intent to promote or promotes child pornography of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen.

2. **The offense of** promoting child pornography in the second degree is a class [C] **D** felony unless the person knowingly promotes such material to a minor, in which case it is a class B felony. No person who is found guilty of[, pleads guilty to, or is convicted of] promoting child pornography in the second degree shall be eligible for probation.

573.037. POSSESSION OF CHILD PORNOGRAPHY — PENALTY. — 1. A person commits the offense of possession of child pornography if such person knowingly or recklessly possesses any child pornography of a minor less than eighteen years [old] **of age** or obscene material portraying what appears to be a minor less than eighteen years [old] **of age**.

2. The offense of possession of child pornography is a class [C] **D** felony if the person possesses one still image of child pornography or one obscene still image. The offense of possession of child pornography is a class B felony if the person:

- (1) Possesses:
 - (a) More than twenty still images of child pornography; or
 - (b) More than twenty obscene still images; or
 - (c) Child pornography comprised of one motion picture, film, videotape, videotape production, or other moving image; or
 - (d) Obscene material comprised of one motion picture, film, videotape production, or other moving image; or
- (2) Has previously [pleaded guilty to or has] been found guilty of an offense under this section.

3. A person who has committed the offense of possession of child pornography is subject to separate punishments for each item of child pornography or obscene material possessed by the person.

573.040. FURNISHING PORNOGRAPHIC MATERIALS TO MINORS — PENALTY. — 1. A person commits the [crime] **offense** of furnishing pornographic material to minors if, **knowing of its content and character**, he or she:

- (1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
- (2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
- (3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. It is not [an affirmative] **a** defense to a prosecution for a violation of this section that the person being furnished the pornographic material is a peace officer masquerading as a minor.

3. **The offense of** furnishing pornographic material to minors or attempting to furnish pornographic material to minors is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of an offense committed at a different time pursuant to this chapter, chapter 566 or chapter 568, in which case it is a class [D] **E** felony.

573.050. EVIDENCE IN OBSCENITY AND CHILD PORNOGRAPHY CASES. — 1. In any prosecution under this chapter evidence shall be admissible to show:

- (1) What the predominant appeal of the material or performance would be for ordinary adults or minors;
- (2) The literary, artistic, political or scientific value of the material or performance;
- (3) The degree of public acceptance in this state and in the local community;
- (4) The appeal to prurient interest in advertising or other promotion of the material or performance;
- (5) The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.

3. In any prosecution [for possession of child pornography or promoting child pornography in the first or second degree, the determination that the person who participated in the child pornography was younger than eighteen years of age may be made as set forth in section

568.100, or reasonable inferences drawn by a judge or jury after viewing the alleged pornographic material shall constitute sufficient evidence of the child's age to support a conviction] **under this chapter, when it becomes necessary to determine whether a person was less than seventeen or eighteen years of age, the court or jury may make this determination by any of the following methods:**

- (1) Personal inspection of the child;**
- (2) Inspection of the photograph or motion picture that shows the child engaging in the sexual performance;**
- (3) Oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the time;**
- (4) Expert medical testimony based on the appearance of the child engaging in the sexual performance; or**
- (5) Any other method authorized by law or by the rules of evidence.**

4. In any prosecution for promoting child pornography in the first or second degree, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to prevailing standards in the community as a whole.

573.052. CHILD PORNOGRAPHY, ATTORNEY GENERAL AUTHORIZED TO INVESTIGATE, WHEN — VIOLATOR IMMUNE FROM CIVIL LIABILITY, WHEN. — Upon receipt of any information that child pornography as defined in section 573.010 is contained on a website, the attorney general shall investigate such information. If the attorney general has probable cause to believe the website contains child pornography, the attorney general shall notify a website operator of any child pornography site residing on that website operator's server, in writing. If the website operator promptly, but in no event longer than five days after receiving notice, removes the alleged pornography from its server, and so long as the website operator is not the purveyor of such child pornography, it shall be immune from civil liability. If the website operator does not promptly remove the alleged pornography, the attorney general may seek an injunction pursuant to section 573.070 to remove the child pornography site from the website operator's server. This section shall not be construed to create any defense to any criminal charges brought pursuant to this chapter [or chapter 568].

573.060. PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL — PENALTIES. — 1. A person commits the [crime] **offense** of public display of explicit sexual material if he [knowingly] or **she** recklessly:

- (1) [Displays publicly] Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public; or**
- (2) Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.**

2. **The offense of** public display of explicit sexual material is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of an offense under this section committed at a different time, in which case it is a class [D] **E** felony.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense.

573.065. COERCING ACCEPTANCE OF OBSCENE MATERIAL — PENALTY. — 1. A person commits the [crime] **offense** of coercing acceptance of obscene material if **such person knowingly:**

(1) [He] Requires acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or

(2) [He] Denies any franchise or imposes any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept any material obscene or pornographic for minors.

2. **The offense of coercing acceptance of obscene material is a class [D] E felony.**

573.090. VIDEO CASSETTES, MORBID VIOLENCE, TO BE KEPT IN SEPARATE AREA — SALE OR RENTAL TO PERSONS UNDER SEVENTEEN PROHIBITED, PENALTIES. — 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

(1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons [under the age of] **less than seventeen years of age**; and

(2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons [under the age of] **less than seventeen years of age**; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons [under the age of] **less than seventeen years of age**.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person [under the age of] **less than seventeen years of age**.

3. [Any] Violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class [D] E felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class [D] E felony as prescribed in section 573.030.

573.100. TELEPHONES, OBSCENE OR INDECENT COMMERCIAL MESSAGES, DIRECT OR ELECTRONIC RECORDING, PENALTIES, EXCEPTIONS. — 1. As used in this section, the following terms mean:

(1) "Indecent", language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs;

(2) "Obscene", any comment, request, suggestion or proposal is obscene if:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) Taken as a whole with respect to the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and

(c) Taken as a whole, it lacks serious literary, artistic, political or scientific value. Obscenity shall be judged with reference to its impact upon ordinary adults.

2. [It shall be unlawful for any] **A person commits the offense of obscene or indecent commercial messaging if he or she**, by means of a telephone communication for commercial purposes, [to make] **makes** directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent; **or knowingly permits any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for obscene or indecent commercial messaging**. Any person who makes any such comment, request, suggestion, or proposal shall be in violation of the provisions of this section regardless of whether such person placed or initiated the telephone call.

3. [It shall be unlawful for any person to permit knowingly any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for any purpose prohibited by subsection 2 of this section.

4. Any person who violates any provision of this section is guilty of] **The offense of obscene or indecent commercial messaging is** a class A misdemeanor unless such person has [pleaded guilty to or has] been found guilty of the same offense committed at a different time, in which case the violation is a class [D] E felony. For purposes of this subsection, each violation constitutes a separate offense.

[5.] 4. The prohibitions and penalties contained herein are not applicable to a telecommunications company as defined in section 386.020 over whose facilities prohibited communications may be transmitted.

[568.080.] 573.200. CHILD USED IN SEXUAL PERFORMANCE — PENALTIES. — 1. A person commits the [crime] **offense** of use of a child in a sexual performance if, knowing the character and content thereof, the person employs, authorizes, or induces a child less than [seventeen] **eighteen** years of age to engage in a [sexual] performance **which includes sexual conduct** or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in such sexual performance.

2. **The offense** of use of a child in a sexual performance is a class C felony, unless in the course thereof the person inflicts serious emotional injury on the child, in which case the [crime] **offense** is a class B felony.

3. **The court shall not grant a suspended imposition of sentence or a suspended execution of sentence to a person who has previously been found guilty of an offense under this section.**

[568.090.] 573.205. PROMOTING SEXUAL PERFORMANCE BY A CHILD — PENALTIES. — 1. A person commits the [crime] **offense** of promoting a sexual performance **by a child** if, knowing the character and content thereof, the person promotes a [sexual] performance **which includes sexual conduct** by a child less than [seventeen] **eighteen** years of age or produces, or directs[, or promotes] any performance which includes sexual conduct by a child less than [seventeen] **eighteen** years of age.

2. **The offense** of promoting a sexual performance **by a child** is a class C felony.

3. **The court shall not grant a suspended imposition of sentence or a suspended execution of sentence to a person who has previously been found guilty of an offense under this section.**

[568.110.] 573.215. FAILURE TO REPORT CHILD PORNOGRAPHY — PENALTY. — 1. [Any] **A person commits the offense of failure to report child pornography if he or she being** a film and photographic print processor, computer provider, installer or repair person, or any internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a child under [the age of] **eighteen years of age** engaged in an act of sexual conduct [shall] **fails to** report such instance to [the] **any** law enforcement agency [having jurisdiction over the case] immediately or as soon as practically possible.

2. **The offense** of failure to [make such report shall be] **report child pornography is** a class B misdemeanor.

3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.

573.509. ADULT CABARET, PERSONS LESS THAN NINETEEN YEARS OF AGE PROHIBITED FROM DANCING, PENALTY. — 1. No person less than nineteen years of age shall dance in an adult cabaret [as defined in section 573.500], nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

2. [Any person who violates the provisions of subsection 1] **Violation** of this section is [guilty of] a class A misdemeanor.

573.531. ESTABLISHMENT OF BUSINESS, PROHIBITED WHERE — NUDITY IN ESTABLISHMENT PROHIBITED—DISPLAY OF SEXUAL ACTIVITIES, REQUIREMENTS—STATE REQUIREMENTS — HOURS OF OPERATION — MINORS AND ALCOHOL PROHIBITED — DEFINITIONS. — 1. No person shall establish a sexually oriented business within one thousand feet of any preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This subsection shall not apply to any sexually oriented business lawfully established prior to August 28, 2010. For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business.

2. No person shall establish a sexually oriented business if a person with an influential interest in the sexually oriented business has been [convicted of or pled guilty or nolo contendere to a specified criminal act] **found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:**

- (1) **Rape and sexual assault offenses;**
- (2) **Sexual offenses involving minors;**
- (3) **Offenses involving prostitution;**
- (4) **Obscenity offenses;**
- (5) **Offenses involving money laundering;**
- (6) **Offenses involving tax evasion;**
- (7) **Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (1) to (6) of this subsection; or**
- (8) **Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in subdivisions (1) to (7) of this subsection.**

3. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

4. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at least six hundred square feet.

5. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

6. A sexually oriented business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;
- (2) An operator's station shall not exceed thirty-two square feet of floor area;
- (3) If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

(4) The view required under this subsection shall be by direct line of sight from the operator's station;

(5) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and

(6) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

7. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one hundred eighty days after August 28, 2010, to comply with the stage and building requirements of sections 573.525 to 573.537. During such one hundred eighty-day period, any employee who appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at least six feet from all patrons.

8. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day.

9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

10. No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.

11. As used in this section, the following terms mean:

(1) "Establish" or "establishment", includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The addition of any sexually oriented business to any other existing sexually oriented business;

(2) "Influential interest", includes any of the following:

(a) The actual power to operate a sexually oriented business or control the operation, management, or policies of a sexually oriented business or legal entity which operates a sexually oriented business;

(b) Ownership of a financial interest of thirty percent or more of a business or of any class of voting securities of a business; or

(c) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates a sexually oriented business;

(3) "Viewing room", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.

574.005. DEFINITIONS—As used in this chapter the following terms mean:

(1) "Property of another", any property in which the person does not have a possessory interest;

(2) "Private property", any place which at the time of the offense is not open to the public. It includes property which is owned publicly or privately;

(3) "Public place", any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately.

574.010. PEACE DISTURBANCE—PENALTY.—1. A person commits the [crime] offense of peace disturbance if he or she:

- (1) [He] Unreasonably and knowingly disturbs or alarms another person or persons by:
 - (a) Loud noise; or
 - (b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - (c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
 - (d) Fighting; or
 - (e) Creating a noxious and offensive odor;
 - (2) [He] Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - (a) Vehicular or pedestrian traffic; or
 - (b) The free ingress or egress to or from a public or private place.
2. **The offense of peace disturbance is a class B misdemeanor upon the first conviction. Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand dollars and no more than five thousand dollars.**

574.020. PRIVATE PEACE DISTURBANCE — PENALTY. — 1. A person commits the [crime] **offense** of private peace disturbance if he **or she** is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

- (1) Threatening to commit [a crime] **an offense** against any person; or
 - (2) Fighting.
2. **The offense of private peace disturbance is a class C misdemeanor.**
3. **For purposes of this section, if a building or structure is divided into separately occupied units, such units are separate premises.**

574.035. DISRUPTING A HOUSE OF WORSHIP — PENALTY. — 1. This section shall be known and may be cited as the "House of Worship Protection Act".

2. For purposes of this section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.

3. A person commits the [crime] **offense** of disrupting a house of worship if such person:

- (1) Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
- (2) Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

4. **The offense of disrupting a house of worship is a class B misdemeanor[. Any] , unless it is a second offense, in which case it is a class A misdemeanor. Any third or subsequent offense of disrupting a house of worship is a class [D] E felony.**

574.040. UNLAWFUL ASSEMBLY — PENALTY. — 1. A person commits the [crime] **offense** of unlawful assembly if he **or she** knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

2. **The offense of unlawful assembly is a class B misdemeanor.**

574.050. RIOTING — PENALTY. — 1. A person commits the [crime] **offense** of rioting if he **or she** knowingly assembles with six or more other persons and agrees with such persons to

violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

2. **The offense of rioting is a class A misdemeanor.**

574.060. REFUSAL TO DISPERSE —PENALTY. — 1. A person commits the [crime] **offense** of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he **or she** knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.

2. **The offense of refusal to disperse is a class C misdemeanor.**

574.070. PROMOTING CIVIL DISORDER IN THE FIRST DEGREE —PENALTY. — 1. As used in this section, the following terms mean:

(1) "Civil disorder", any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual;

(2) "Explosive or incendiary device", includes:

(a) Dynamite and all other forms of high explosives;

(b) Any explosive bomb, grenade, missile, or similar device; and

(c) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone;

(3) "Firearm", any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon;

(4) "Law enforcement officer", any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia. The term "law enforcement officer" shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, and members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by section 101(9) of title 10, United States Code, and members of the armed forces of the United States.

2. [Whoever] **A person commits the offense of promoting civil disorder if he or she** teaches or demonstrates to any other person the use, application, or construction of any firearm, explosive, or incendiary device capable of causing injury or death to any person, knowing or intending that such firearm, explosive, or incendiary device be used in furtherance of a civil disorder], is guilty of the crime of promoting civil disorder in the first degree].

3. **The offense of promoting civil disorder is a class D felony.**

4. Nothing contained in this section shall be construed to prohibit the training or teaching of the use of weapons for law enforcement purposes, hunting, recreation, competition, or other lawful uses and activities.

[4. Promoting civil disorder in the first degree is a class C felony.]

574.075. DRUNKENNESS OR DRINKING IN CERTAIN PLACES PROHIBITED —PENALTY. — [It shall be unlawful for any] 1. A person [in this state to enter] **commits the offense of drunkenness or drinking in a prohibited place if he or she enters** any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in [a drunken or] **an** intoxicated and disorderly condition, or [to drink or offer] **drinks or offers** to drink any intoxicating liquors in the presence of such assembly of people, or in any courthouse [within this state and any person or persons so doing shall be guilty of a misdemeanor; unless, however, the circuit court has by local rule authorized law library associations to conduct social events after business hours in any courthouse].

2. **The offense of drunkenness or drinking in a prohibited place is a class B misdemeanor.**

[569.070.] 574.080. CAUSING CATASTROPHE — DEFINITIONS — PENALTY. — 1. A person commits the [crime] **offense** of causing catastrophe if he **or she** knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, release of poison, radioactive material, bacteria, virus or other dangerous and difficult to confine force or substance.

2. **As used in this section, the following terms mean:**

(1) "Catastrophe" [means] , death or serious physical injury to ten or more people or substantial damage to five or more buildings or inhabitable structures or substantial damage to a vital public facility which seriously impairs its usefulness or operation;

(2) "**Vital public facility**", **includes a facility maintained for use as a bridge, whether over land or water, dam, reservoir, tunnel, communication installation or power station.**

3. **The offense of causing catastrophe is a class A felony.**

574.085. INSTITUTIONAL VANDALISM — PENALTY. — 1. A person commits the [crime] **offense** of institutional vandalism [by knowingly vandalizing, defacing or otherwise damaging] **if he or she knowingly vandalizes, defaces, or otherwise damages:**

(1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;

(3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;

(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection;

(5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; or

(6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children.

2. **The offense of institutional vandalism [is punishable as follows:**

(1) institutional vandalism] is a class A misdemeanor, [except as provided in subdivisions (2) and (3) of this subsection;

(2) Institutional vandalism is a class D felony if the offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of one thousand dollars;

(3) Institutional vandalism is a class C felony if the offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of five thousand dollars] **unless the value of the property damage is seven hundred fifty dollars or more, in which case the offense is a class E felony; or the value of the property damage is more than five thousand dollars, in which case the offense is a class D felony.**

3. In determining the amount of damage to property [or loss of property], for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged [or lost].

574.105. MONEY LAUNDERING — PENALTY. — 1. As used in this section, the following terms mean:

(1) "Conducts", initiating, concluding or participating in initiating or concluding a transaction;

(2) "Criminal activity", any act or activity constituting an offense punishable as a felony pursuant to the laws of Missouri or the United States;

(3) "Currency", currency and coin of the United States;

(4) "Currency transaction", a transaction involving the physical transfer of currency from one person to another. A transaction which is a transfer of funds by means of bank check, bank

draft, wire transfer or other written order, and which does not include the physical transfer of currency is not a currency transaction;

(5) "Person", natural persons, partnerships, trusts, estates, associations, corporations and all entities cognizable as legal personalities.

2. A person commits the [crime] **offense** of money laundering if he or she:

(1) Conducts or attempts to conduct a currency transaction with the purpose to promote or aid the carrying on of criminal activity; or

(2) Conducts or attempts to conduct a currency transaction with the purpose to conceal or disguise in whole or in part the nature, location, source, ownership or control of the proceeds of criminal activity; or

(3) Conducts or attempts to conduct a currency transaction with the purpose to avoid currency transaction reporting requirements under federal law; or

(4) Conducts or attempts to conduct a currency transaction with the purpose to promote or aid the carrying on of criminal activity for the purpose of furthering or making a terrorist threat or act.

3. The [crime] **offense** of money laundering is a class B felony and in addition to penalties otherwise provided by law, a fine of not more than five hundred thousand dollars or twice the amount involved in the transaction, whichever is greater, may be assessed.

574.115. MAKING A TERRORIST THREAT, FIRST DEGREE — PENALTY. — 1. A person commits the [crime] **offense** of making a terrorist threat **in the first degree** if such person [communicates a threat to cause an incident or condition involving danger to life, communicates a knowingly false report of an incident or condition involving danger to life, or knowingly causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life:

(1) With the purpose of frightening ten or more people;

(2) With the purpose of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation; or

(3) With reckless disregard of the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation; or

(4) With criminal negligence with regard to the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation.

2. Making a terrorist threat is a class C felony unless committed under subdivision (3) of subsection 1 of this section in which case it is a class D felony or unless committed under subdivision (4) of subsection 1 of this section in which case it is a class A misdemeanor.

3. For the purpose of this section, "threat" includes an express or implied threat.

4. A person who acts in good faith with the purpose to prevent harm does not commit a crime pursuant to this section.] , **with the purpose of frightening ten or more people or causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly:**

(1) **Communicates an express or implied threat to cause an incident or condition involving danger to life; or**

(2) **Communicates a false report of an incident or condition involving danger to life;**
or

(3) **Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life.**

2. **The offense of making a terrorist threat in the first degree is a class D felony.**

3. **No offense is committed under this section by a person acting in good faith with the purpose to prevent harm.**

574.120. MAKING A TERRORIST THREAT, SECOND DEGREE — PENALTY. — 1. **A person commits the offense of making a terrorist threat in the second degree if he or she recklessly**

disregards the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation and knowingly:

(1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or

(2) Communicates a false report of an incident or condition involving danger to life; or

(3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life.

2. The offense of making a terrorist threat in the second degree is a class E felony.

3. No offense is committed under this section by a person acting in good faith with the purpose to prevent harm.

574.125. MAKING A TERRORIST THREAT, THIRD DEGREE — PENALTY. — 1. A person commits the offense of making a terrorist threat in the third degree if he or she, with criminal negligence with regard to the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly:

(1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or

(2) Communicates a knowingly false report of an incident or condition involving danger to life; or

(3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life.

2. The offense of making a terrorist threat in the third degree is a class A misdemeanor.

3. No offense is committed under this section by a person acting in good faith with the purpose to prevent harm.

[578.008.] 574.130. AGROTERRORISM — PENALTY — DEFENSES. — 1. A person commits the [crime] offense of agroterrorism if such person purposely spreads any type of contagious, communicable or infectious disease among crops, poultry, livestock as defined in section 267.565, or other animals.

2. Agroterrorism is a class [D] E felony unless the damage to crops, poultry, livestock or animals is ten million dollars or more in which case it is a class B felony.

3. It shall be a defense to the crime of agroterrorism if such spreading is consistent with medically recognized therapeutic procedures or done in the course of legitimate, professional scientific research.

[565.095.] 574.140. CROSS BURNING — PENALTIES. — 1. [It shall be unlawful for any person or persons with the intent to intimidate any person or group of persons to burn, or cause to be burned, a cross. Any person who shall violate any provision of this section shall be guilty of a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense] **A person commits the offense of cross burning if he or she burns, or causes to be burned, a cross with the purpose to frighten, intimidate, or cause emotional distress to any person or group of persons.**

2. [For purposes of this section, a person acts with the intent to intimidate when he or she intentionally places or attempts to place another person in fear of physical injury or fear of damage to property] **The offense of cross burning is a class A misdemeanor, unless the person has previously been found guilty of an offense under this section, in which case it is a class E felony.**

575.020. CONCEALING AN OFFENSE —PENALTIES. — 1. A person commits the [crime] offense of concealing an offense if **he or she**:

(1) [He] Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

(2) [He] Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his **or her** concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

2. **The offense of** concealing an offense is a class [D] felony if the offense concealed is a felony; otherwise concealing an offense is a class] A misdemeanor, **unless the offense concealed a felony, in which case concealing an offense is a class E felony.**

575.030. HINDERING PROSECUTION —PENALTIES. — 1. A person commits the [crime] offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another **person** for conduct constituting [a crime] **an offense, he or she**:

(1) Harbors or conceals such person; or

(2) Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or

(3) Provides such person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or

(4) Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

2. **The offense of** hindering prosecution is a class [D] felony if the conduct of the other person constitutes a felony; otherwise hindering prosecution is a class] A misdemeanor, **unless the conduct of the other person constitutes a felony, in which case it is a class E felony.**

575.040. PERJURY —PENALTIES. — 1. A person commits the [crime] offense of perjury if, with the purpose to deceive, **he or she** knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer oaths.

2. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding.

3. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

(1) The [defendant] **person** mistakenly believed the fact to be immaterial; or

(2) The [defendant] **person** was not competent, for reasons other than mental disability or immaturity, to make the statement.

4. It is a defense to a prosecution under subsection 1 of this section that the [actor] **person** retracted the false statement in the course of the official proceeding in which it was made provided **he or she** did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, including but not limited to statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding.

5. The defendant shall have the burden of injecting the issue of retraction under subsection 4 of this section.

6. **The offense of** perjury committed in any proceeding not involving a felony charge is a class [D] E felony.

7. **The offense of** perjury committed in any proceeding involving a felony charge is a class [C] D felony unless:

(1) It is committed during a criminal trial for the purpose of securing the conviction of an accused for **any felony except** murder, in which case it is a class [A] **B** felony; or

(2) It is committed during a criminal trial for the purpose of securing the conviction of an accused for [any felony except] murder, in which case it is a class [B] **A** felony.

575.050. FALSE AFFIDAVIT — PENALTIES. — 1. A person commits the [crime] **offense** of making a false affidavit if, with purpose to mislead any person, he **or she**, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.

2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the [actor] **person** retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:

(1) The falsity of the statement was exposed; or

(2) Any person took substantial action in reliance on the statement.

4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.

5. **The offense** of making a false affidavit is a class [A] **C** misdemeanor [if] , **unless** done for the purpose of misleading a public servant in the performance of his **or her** duty; otherwise making a false affidavit] , **in which case it** is a class [C] **A** misdemeanor.

575.060. FALSE DECLARATIONS — PENALTY. — 1. A person commits the [crime] **offense** of making a false declaration if, with the purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:

(1) Submits any written false statement, which he **or she** does not believe to be true:

(a) In an application for any pecuniary benefit or other consideration; or

(b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or

(2) Submits or invites reliance on

(a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in authenticity; or

(b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows to be false.

2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the [actor] **person** retracted the false statement or item but this defense shall not apply if the retraction was made after:

(1) The falsity of the statement or item was exposed; or

(2) The public servant took substantial action in reliance on the statement or item.

4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.

5. For the purpose of this section, "written" shall include filings submitted in an electronic or other format or medium approved or prescribed by the secretary of state.

6. **The offense** of making a false declaration is a class B misdemeanor.

575.070. PROOF OF FALSITY OF STATEMENTS. — No person shall be convicted of a violation of sections 575.040, 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity of the statement by:

(1) The direct evidence of two witnesses; or

- (2) The direct evidence of one witness together with strongly corroborating circumstances;
- or
- (3) Demonstrative evidence which conclusively proves the falsity of the statement; or
- (4) A directly contradictory statement by the defendant under oath together with:
- (a) The direct evidence of one witness; or
- (b) Strongly corroborating circumstances; or
- (5) A judicial admission by the defendant that he **or she** made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he **or she** made the statement knowing it was false may constitute strongly corroborating circumstances.

575.080. FALSE REPORTS — PENALTY. — 1. A person commits the [crime] **offense** of making a false report if he **or she** knowingly:

- (1) Gives false information to any person for the purpose of implicating another person in [a crime] **an offense**; or
- (2) Makes a false report to a law enforcement officer that [a crime] **an offense** has occurred or is about to occur; or
- (3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the [actor] **person** retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. **The offense of** making a false report is a class B misdemeanor.

575.090. FALSE BOMB REPORT — PENALTY. — 1. A person commits the [crime] **offense** of making a false bomb report if he **or she** knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.

2. Making a false bomb report is a class [D] E felony.

[565.084.] 575.095. TAMPERING WITH A JUDICIAL OFFICER — PENALTY. — 1. A person commits the [crime] **offense** of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

- (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 **or 565.227.**

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:

- (1) Such officer's spouse; or
- (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or

- (3) Such officer's stepchild, while the marriage creating that relationship exists.
4. **The offense of tampering with a judicial officer is a class [C] D felony.**

575.100. TAMPERING WITH PHYSICAL EVIDENCE —PENALTIES. — 1. A person commits the [crime] **offense** of tampering with physical evidence if he or she:

- (1) Alters, destroys, suppresses or conceals any record, document or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
- (2) Makes, presents or uses any record, document or thing knowing it to be false with **the** purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

2. **The offense of tampering with physical evidence is a class [D] felony if the actor impairs or obstructs the prosecution or defense of a felony; otherwise, tampering with physical evidence is a class [A] misdemeanor, unless the person impairs or obstructs the prosecution or defense of a felony, in which case tampering with physical evidence is a class E felony.**

575.110. TAMPERING WITH A PUBLIC RECORD —PENALTY. — 1. A person commits the [crime] **offense** of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record, **he or she**:

- (1) [He] Knowingly makes a false entry in or falsely alters any public record; or
- (2) Knowing he or she lacks authority to do so, [he] destroys, suppresses or conceals any public record.

2. **The offense of tampering with a public record is a class A misdemeanor.**

575.120. FALSE IMPERSONATION —PENALTIES. — 1. A person commits the [crime] **offense** of false impersonation if such person:

(1) Falsely represents himself or herself to be a public servant with **the** purpose to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official acts, and

- (a) Performs an act in that pretended capacity; or
- (b) Causes another to act in reliance upon his or her pretended official authority;

(2) Falsely represents himself or herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation, and

- (a) Performs an act in that pretended capacity; or
- (b) Causes another to act in reliance upon such representation; or

(3) Upon being arrested, falsely represents himself or herself, to a law enforcement officer, with the first and last name, date of birth, or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction[, misdemeanor, or felony] **or offense** that contains the first and last name, date of birth, and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney, bringing any action on the underlying charge, shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney of the county in which the conviction occurred shall file a motion in the underlying case with the

court to correct the arrest and court records after discovery of the fraud upon the court. The court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

4. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in section 610.123. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

5. **The offense of** false impersonation is a class B misdemeanor unless the person represents himself **or herself** to be a law enforcement officer in which case [false impersonation] **it** is a class A misdemeanor.

575.130. SIMULATING LEGAL PROCESS — PENALTY. — 1. A person commits the [crime] **offense of simulating legal process** if, with purpose to mislead the recipient and cause him **or her** to take action in reliance thereon, he **or she** delivers or causes to be delivered:

(1) A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or

(2) Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.

2. This section shall not apply to a subpoena properly issued by a notary public.

3. **The offense of** simulating legal process is a class B misdemeanor.

[4. No person shall file a nonconsensual common law lien as defined in section 428.105.

5. A violation of subsection 4 of this section is a class B misdemeanor.

6. Subsection 4 of this section shall not apply to a filing officer as defined in section 428.105 that is acting in the scope of employment.]

575.133. FILING A NONCONSENSUAL COMMON LAW LIEN — PENALTY. — 1. A person commits the offense of **filing a nonconsensual common law lien** if he or she files a document that purports to assert a lien against the assets, real or personal, of any person and that, regardless of any self-description:

(1) Is not expressly provided for by a specific state or federal statute;

(2) Does not depend upon the consent of the owner of the property affected or the existence of a contract for its existence; and

(3) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction.

2. This section shall not apply to a filing officer as defined in section 428.105 that is acting in the scope of his or her employment.

3. **The offense of filing a nonconsensual common law lien** is a class B misdemeanor.

575.145. SIGNAL OR DIRECTION OF SHERIFF OR DEPUTY SHERIFF, DUTY TO STOP, MOTOR VEHICLE OPERATORS AND RIDERS OF ANIMALS — VIOLATION, PENALTY. — 1. It shall be the duty of the operator or driver of any vehicle **or any other conveyance regardless of means of propulsion**, or the rider of any animal traveling on the highways of this state to stop on signal of any [sheriff or deputy sheriff] **law enforcement officer** and to obey any other reasonable signal or direction of such [sheriff or deputy sheriff] **law enforcement officer** given in directing the movement of traffic on the highways]. Any person who] **or enforcing any offense or infraction.**

2. **The offense of** willfully [fails or refuses] **failing or refusing** to obey such signals or directions or [who] willfully [resists or opposes a sheriff or deputy sheriff] **resisting or**

opposing a law enforcement officer in the proper discharge of his or her duties [shall be guilty of] **is a class A misdemeanor** [and on conviction thereof shall be punished as provided by law for such offenses].

575.150. RESISTING OR INTERFERING WITH ARREST — PENALTIES. — 1. A person commits the [crime] **offense** of resisting or interfering with arrest, detention, or stop if[, knowing] **he or she knows or reasonably should know** that a law enforcement officer is making an arrest[,] or attempting to lawfully detain or stop an individual or vehicle, [or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle,] **and** for the purpose of preventing the officer from effecting the arrest, stop or detention, [the person] **he or she**:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any [crime] **offense**, infraction, or ordinance violation;

and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if [that person] **he or she** continues to operate a motor vehicle after [that person] **he or she** has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing [that person] **him or her**.

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. **The offense of** resisting or interfering with an arrest is a class [D] **E felony** for an arrest for a:

(1) Felony;

(2) Warrant issued for failure to appear on a felony case; or

(3) Warrant issued for a probation violation on a felony case.

The offense of resisting an arrest, detention or stop [by fleeing in such a manner that the person fleeing creates a substantial risk of serious physical injury or death to any person is a class D felony; otherwise, resisting or interfering with an arrest, detention or stop] in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, **unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony.**

575.153. DISARMING A PEACE OFFICER OR CORRECTIONAL OFFICER — PENALTY. —

1. A person commits the [crime] **offense** of disarming a peace officer, as defined in section [590.100] **590.010**, or a correctional officer if [such person] **he or she** intentionally:

(1) Removes a firearm or other deadly weapon from the person of a peace officer or correctional officer while such officer is acting within the scope of his or her official duties; or

(2) Deprives a peace officer or correctional officer of such officer's use of a firearm or deadly weapon while the officer is acting within the scope of his or her official duties.

2. The provisions of this section shall not apply when:

(1) The [defendant] **person** does not know or could not reasonably have known that the person he or she disarmed was a peace officer or correctional officer; or

(2) The peace officer or correctional officer was engaged in an incident involving felonious conduct by the peace officer or correctional officer at the time the [defendant] **person** disarmed such officer.

3. **The offense of** disarming a peace officer or correctional officer is a class [C] **D** felony.

[565.085.] 575.155. ENDANGERING A CORRECTIONS EMPLOYEE — DEFINITIONS — PENALTIES. — 1. An offender or prisoner commits the [crime] **offense** of endangering a corrections employee, a visitor to a correctional [facility] **center, county or city jail**, or another offender or prisoner if he or she attempts to cause or knowingly causes such person to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. For the purposes of this section, the following terms mean:

(1) "Corrections employee", a person who is an employee, or contracted employee of a subcontractor, of a department or agency responsible for operating a jail, prison, correctional facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison, correctional facility, or sexual offender treatment center;

(2) "Offender", a person in the custody of the department of corrections;

(3) "Prisoner", a person confined in a county or city jail.

3. **The offense of** endangering a corrections employee, a visitor to a correctional [facility] **center, county or city jail**, or another offender or prisoner is a class [D] **E** felony unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or prisoner is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B or hepatitis C and exposes another person to HIV or hepatitis B or hepatitis C by committing the [crime] **offense** of endangering a corrections employee, a visitor to a correctional [facility] **center, county or city jail**, or another offender or prisoner, it is a class [C] **D** felony.

[565.086.] 575.157. ENDANGERING A MENTAL HEALTH EMPLOYEE, VISITOR, OR ANOTHER OFFENDER — DEFINITIONS — PENALTIES. — 1. An offender commits the [crime] **offense** of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender if he or she attempts to cause or knowingly causes such individual to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. For purposes of this section, the following terms mean:

(1) "Department of mental health employee", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a finding of probable cause under section 632.489, and persons committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495.

3. **The offense of** endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender is a class [D] **E** felony [unless the substance is unidentified, in which case it is a class A misdemeanor]. If an offender is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another individual to HIV or hepatitis B or hepatitis C by committing the [crime] **offense** of endangering a department of mental health employee, a visitor or other person at a mental health facility, or another offender, [it] the offense is a class [C] **D** felony.

575.159. AIDING A SEXUAL OFFENDER — APPLICABILITY OF SECTION — PENALTY. —

1. A person commits the [crime] **offense** of aiding a sexual offender if [such person] **he or she** knows that another person is a convicted sexual offender who is required to register as a sexual offender and has reason to believe that such sexual offender is not complying, or has not complied with the requirements of sections 589.400 to 589.425, and who, with the intent to assist

the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the offender about, or to arrest the offender for, his or her noncompliance with the requirements of sections 589.400 to 589.425:

(1) Withholds information from or does not notify the law enforcement agency about the sexual offender's noncompliance with the requirements of sections 589.400 to 589.425, and, if known, the whereabouts of the sexual offender;

(2) Harbors or attempts to harbor or assists another person in harboring or attempting to harbor the sexual offender;

(3) Conceals or attempts to conceal or assists another person in concealing or attempting to conceal the sexual offender; or

(4) Provides information to the law enforcement agency regarding the sexual offender which [the person] **he or she** knows to be false information.

2. [Aiding a sexual offender is a class D felony.

3.] The provisions of this section do not apply if the sexual offender is incarcerated in, or is in the custody of, a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

3. The offense of aiding a sexual offender is a class E felony.

575.160. INTERFERENCE WITH LEGAL PROCESS — PENALTY. — 1. A person commits the [crime] **offense** of interference with legal process if, knowing [any] **another** person is authorized by law to serve process, **he or she interferes with or obstructs such person** for the purpose of preventing such person from effecting the service of any process[, he interferes with or obstructs such person].

2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

3. **The offense of interference with legal process is a class B misdemeanor.**

575.170. REFUSING TO MAKE AN EMPLOYEE AVAILABLE FOR SERVICE OF PROCESS — PENALTY. — 1. [Any] **An** employer, or [any] agent who is in charge of a business establishment, commits the [crime] **offense** of refusing to make an employee available for service of process if **he or she** knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

2. **The offense of refusing to make an employee available for service of process is a class C misdemeanor.**

575.180. FAILURE TO EXECUTE AN ARREST WARRANT — PENALTIES. — 1. A law enforcement officer commits the [crime] **offense** of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, **he or she** fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which **he or she** is authorized and required by law to execute.

2. **The offense of failure to execute an arrest warrant is a class [D felony if the offense involved is a felony; otherwise, failure to execute an arrest warrant is a class] A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.**

575.190. REFUSAL TO IDENTIFY AS A WITNESS — PENALTY. — 1. A person commits the [crime] **offense** of refusal to identify as a witness if, knowing **he or she** has witnessed any portion of [a crime] **an offense**, or of any other incident resulting in physical injury or substantial property damage, [upon demand by a law enforcement officer engaged in the performance of his official duties,] **he or she** refuses to report or gives a false report of his **or her** name and

present address to [such] a law enforcement officer engaged in the performance of his or her duties.

2. **The offense of** refusal to identify as a witness is a class C misdemeanor.

575.195. ESCAPE FROM COMMITMENT, DETENTION, OR CONDITIONAL RELEASE — PENALTY. — 1. A person commits the [crime] **offense** of escape from commitment, detention, or conditional release if he or she has been committed to a state mental hospital under the provisions of sections 552.010 to 552.080 or sections 632.480 to 632.513, or has been ordered to be taken into custody, detained, or held pursuant to sections 632.480 to 632.513, or as provided by section 632.475, has been committed to the department of mental health as a criminal sexual psychopath under statutes in effect before August 13, 1980, or has been granted a conditional release under the provisions of sections 552.010 to 552.080 or sections 632.480 to 632.513, and he or she escapes from such commitment, detention, or conditional release.

2. **The offense of** escape from commitment, detention, or conditional release is a class [D] E felony.

575.200. ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY — PENALTY. — 1. A person commits the [crime] **offense** of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime, he or she escapes or attempts to escape from custody.

2. **The offense of** escape or attempted escape from custody is a class A misdemeanor unless:

(1) [It is effected or attempted by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case escape or attempted escape from custody is a class A felony;

(2)] The person escaping or attempting to escape is under arrest for a felony, in which case [escape from custody] it is a class [D] E felony; or

(2) **The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony.**

575.205. TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT — PENALTY. — 1. A person commits the [crime] **offense** of tampering with electronic monitoring equipment if [the person] he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court or the board of probation and parole has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The [crime] **offense** of tampering with electronic monitoring equipment is a class [C] D felony.

575.206. VIOLATING A CONDITION OF LIFETIME SUPERVISION — PENALTY. — 1. A person commits the [crime] **offense** of violating a condition of lifetime supervision if [the person] he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the board of probation and parole under section 217.735.

2. The [crime] **offense** of violating a condition of lifetime supervision is a class [C] D felony.

575.210. ESCAPE OR ATTEMPTED ESCAPE FROM CONFINEMENT — PENALTIES. — 1. A person commits the [crime] **offense** of escape or attempted escape from confinement if, while being held in confinement after arrest for any [crime] **offense**, while serving a sentence after conviction for any [crime] **offense**, or while at an institutional treatment center operated by the

department of corrections as a condition of probation or parole, [such person] **he or she** escapes or attempts to escape from confinement.

2. **The offense of** escape or attempted escape from confinement in the department of corrections is a class B felony.

3. **The offense of** escape or attempted escape from confinement in a county or private jail or city or county correctional facility is a class [D] **E** felony [except that it is] **unless**:

(1) [A class A felony if it is effected or attempted by means of a deadly weapon or dangerous instrument or by holding any person as hostage] **The offense is facilitated by striking or beating any person, in which case it is a class D felony;**

(2) [A class C felony if the escape or attempted escape is facilitated by striking or beating any person] **The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony.**

575.220. FAILURE TO RETURN TO CONFINEMENT — PENALTIES. — 1. A person commits the [crime] **offense** of failure to return to confinement if, while serving a sentence for any [crime] **offense** under a work-release program, or while under sentence of any [crime] **offense** to serve a term of confinement which is not continuous, or while serving any other type of sentence for any [crime] **offense** wherein he or she is temporarily permitted to go at large without guard, he or she purposely fails to return to confinement when he or she is required to do so.

2. This section does not apply to persons who are free on bond, bail or recognizance, personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise.

3. **The offense of** failure to return to confinement is a class C misdemeanor unless:

(1) The sentence being served is [to the Missouri department of corrections and human resources, in which case failure to return to confinement is a class D felony] **one of confinement in a county or private jail on conviction of a felony, in which case it is a class A misdemeanor;** or

(2) The sentence being served is [one of confinement in a county or private jail on conviction of a felony, in which case failure to return to confinement is a class A misdemeanor] **to the Missouri department of corrections, in which case it is a class E felony.**

575.230. AIDING ESCAPE OF A PRISONER — PENALTIES. — 1. A person commits the [crime] **offense** of aiding escape of a prisoner if [the person] **he or she**:

(1) Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other [crime] **offense;** or

(2) Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

2. [Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction is a class B felony. Otherwise, aiding escape of a prisoner is a class A misdemeanor.] **The offense of aiding escape of a prisoner is a class A misdemeanor, unless committed by introducing a deadly weapon or dangerous instrument into a place of confinement or aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction, in which case it is a class B felony.**

575.240. PERMITTING ESCAPE — PENALTIES. — 1. A public servant, contract employee of a county or private jail, or employee of a private jail who is authorized and required by law to have charge of any person charged with or convicted of any [crime] **offense** commits the [crime] **offense** of permitting escape if he **or she** knowingly:

(1) Suffers, allows or permits any deadly weapon or dangerous instrument, or anything adapted or designed for use in making an escape, to be introduced into or allowed to remain in any place of confinement, in violation of law, regulations or rules governing the operation of the place of confinement; or

(2) Suffers, allows or permits a person in custody or confinement to escape.

2. **The offense of permitting escape** [by suffering, allowing or permitting any deadly weapon or dangerous instrument to be introduced into a place of confinement is a class B felony; otherwise, permitting escape] is a class [D] E felony, **unless committed by suffering, allowing, or permitting any deadly weapon or dangerous instrument to be introduced into a place of confinement, in which case it is a class B felony.**

575.250. DISTURBING A JUDICIAL PROCEEDING — PENALTY. — 1. A person commits the [crime] **offense** of disturbing a judicial proceeding if, with **the** purpose to intimidate a judge, attorney, juror, party or witness[,] and thereby [to] influence a judicial proceeding, he **or she** disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party, or witness in connection with such proceeding.

2. **The offense of disturbing a judicial proceeding** is a class A misdemeanor.

575.260. TAMPERING WITH A JUDICIAL PROCEEDING — PENALTY. — 1. A person commits the [crime] **offense** of tampering with a judicial proceeding if, with **the** purpose to influence the official action of a judge, juror, special master, referee, arbitrator, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, or attorney general in a judicial proceeding, he or she:

(1) Threatens or causes harm to any person or property; or

(2) Engages in conduct reasonably calculated to harass or alarm such official or juror; or

(3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such official or juror.

2. **The offense of tampering with a judicial proceeding** is a class [C] D felony.

575.270. TAMPERING WITH A WITNESS OR VICTIM — PENALTIES. — 1. A person commits the [crime] **offense** of tampering with a witness **or victim** if[,] :

(1) With **the** purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, [or to] absent himself or **herself**, avoid subpoena or other legal process, [or to] withhold evidence, information, or documents, or [to] testify falsely, he **or she**:

[(1)] (a) Threatens or causes harm to any person or property; or

[(2)] (b) Uses force, threats or deception; or

[(3)] (c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

[(4)] (d) Conveys any of the foregoing to another in furtherance of a conspiracy[.] ; **or**

[2. A person commits the crime of "victim tampering" if, with purpose to do so.]

(2) He **or she purposely** prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

[(1)] (a) Making any report of such victimization to any peace officer, [or] state, local or federal law enforcement officer [or] , prosecuting agency, or [to any] judge;

[(2)] (b) Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;

[(3)] (c) Arresting or causing or seeking the arrest of any person in connection with such victimization.

[3.] **2. The offense of tampering with a witness** [in a prosecution, tampering with a witness with purpose to induce the witness to testify falsely,] or victim [tampering] is a class [C felony if the original charge is a felony. Otherwise, tampering with a witness or victim tampering is a class] A misdemeanor, **unless the original charge is a felony, in which case tampering with a witness or victim is a class D felony.** Persons convicted under this section shall not be eligible for parole.

575.280. ACCEDING TO CORRUPTION—PENALTIES.— 1. A person commits the [crime] **offense** of acceding to corruption if **he or she**:

(1) [He] Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his **or her** official action in a judicial proceeding pending in any court or before such official or juror;

(2) [He] Is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that he **or she** will disobey a subpoena or other legal process, [or] absent himself or **herself**, avoid subpoena or other legal process, [or] withhold evidence, information or documents, or testify falsely.

2. **The offense of** acceding to corruption under subdivision [(1)] (2) of subsection 1 of this section [is a class C felony.

3. Acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution, or on the representation or understanding of testifying falsely is a class D felony. Otherwise, acceding to corruption] is a class A misdemeanor. **The offense, when committed under subdivision (1) of subsection 1 of this section, is a class C felony; unless the offense is committed in a felony prosecution, or on the representation or understanding of testifying falsely, in which case it is a class E felony.**

575.290. IMPROPER COMMUNICATION—PENALTY.— 1. A person commits the [crime] **offense** of improper communication if he **or she** communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

2. **The offense of** improper communication is a class B misdemeanor.

575.300. MISCONDUCT BY A JUROR —PENALTY.— 1. A [person] **juror** commits the [crime] **offense** of misconduct by a juror if[, being a juror,] he **or she** knowingly:

(1) Promises or agrees, prior to the submission of a cause to the jury for deliberation, to vote for or agree to a verdict for or against any party in a judicial proceeding; or

(2) Receives any paper, evidence or information from anyone in relation to any judicial proceeding for the trial of which he has been or may be sworn, without the authority of the court or officer before whom such proceeding is pending, and does not immediately disclose the same to such court or officer.

2. **The offense of** misconduct by a juror is a class A misdemeanor.

575.310. MISCONDUCT IN SELECTING OR SUMMONING A JUROR —PENALTY.— 1. A public servant authorized by law to select or summon any juror commits the [crime] **offense** of misconduct in selecting or summoning a juror if he **or she** knowingly acts unfairly, improperly or not impartially in selecting or summoning any person or persons to be a member or members of a jury.

2. **The offense of** misconduct in selecting or summoning a juror is a class B misdemeanor.

575.320. MISCONDUCT IN ADMINISTRATION OF JUSTICE — PENALTY. — 1. A public servant, in his **or her** public capacity or under color of his **or her** office or employment, commits the [crime] **offense** of misconduct in administration of justice if **he or she**:

(1) [He] Is charged with the custody of any person accused or convicted of any [crime] **offense** or municipal ordinance violation and he **or she** coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him **or her**;

(2) [He] Knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;

(3) [He] Is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a statute or ordinance at any place other than at the place provided by law for holding court by such judge;

(4) [He] Is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail under his **or her** charge, any person lawfully committed to such jail on any criminal charge or criminal conviction by any court of this state, or on any warrant and commitment or capias on any criminal charge issued by any court of this state;

(5) [He] Is a law enforcement officer and violates the provisions of section 544.170 by knowingly:

(a) Refusing to release any person in custody who is entitled to such release; or

(b) Refusing to permit a person in custody to see and consult with counsel or other persons;

or

(c) Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or

(d) [Preferring] **Proffering** against any person in custody a false charge for the purpose of avoiding the provisions of that section; or

(6) [He] Orders or suggests to an employee of a county of the first class having a charter form of government with a population over nine hundred thousand and not containing any part of a city of three hundred fifty thousand or more inhabitants that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis, except when such employee is assigned exclusively to traffic control and has no other responsibilities or duties.

2. **The offense of** misconduct in the administration of justice is a class A misdemeanor.

575.353. ASSAULT ON A POLICE ANIMAL — PENALTIES. — 1. A person commits the [crime] **offense** of assault on a police animal [when such person] **if he or she** knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency.

2. **The offense of** assault on a police animal is a class C misdemeanor, **unless the assault results in the death of such animal or disables such animal to the extent it is unable to be utilized as a police animal, in which case it is a class E felony.**

576.010. BRIBERY OF A PUBLIC SERVANT — PENALTY. — 1. A person commits the [crime] **offense** of bribery of a public servant if he **or she** knowingly offers, confers or agrees to confer upon any public servant any benefit, direct or indirect, in return for:

(1) The recipient's official vote, opinion, recommendation, judgment, decision, action or exercise of discretion as a public servant; or

(2) The recipient's violation of a known legal duty as a public servant.

2. It is no defense that the recipient was not qualified to act in the desired way because he **or she** had not yet assumed office, or lacked jurisdiction, or for any other reason.

3. **The offense of** bribery of a public servant is a class [D] **E** felony.

576.020. PUBLIC SERVANT ACCEDING TO CORRUPTION — PENALTY. — 1. A public servant commits the [crime] **offense** of acceding to corruption if he **or she** knowingly solicits, accepts or agrees to accept any benefit, direct or indirect, in return for **his or her**:

(1) [His] Official vote, opinion, recommendation, judgment, decision, action or exercise of discretion as a public servant; or

(2) [His] Violation of a known legal duty as a public servant.

2. **The offense of** acceding to corruption by a public servant is a class [D] **E** felony.

576.030. OBSTRUCTING GOVERNMENT OPERATIONS — PENALTY. — 1. A person commits the [crime] **offense** of obstructing government operations if he **or she** purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

2. **The offense of** obstructing government operations is a class B misdemeanor.

576.040. OFFICIAL MISCONDUCT — PENALTY. — 1. A public servant, in [his] **such person's** public capacity or under color of [his] **such person's** office or employment, commits the [crime] **offense** of official misconduct if **he or she**:

(1) [He] Knowingly discriminates against any employee or any applicant for employment on account of race, creed, color, sex or national origin, provided such employee or applicant possesses adequate training and educational qualifications;

(2) [He] Knowingly demands or receives any fee or reward for the execution of any official act or the performance of a duty imposed by law or by the terms of his **or her** employment, that is not due, or that is more than is due, or before it is due;

(3) [He] Knowingly collects taxes when none are due, or exacts or demands more than is due;

(4) [He] Is a city or county treasurer, city or county clerk, or other municipal or county officer[, or judge of a municipal or county commission,] and knowingly orders the payment of any money, or draws any warrant, or pays over any money for any purpose other than the specific purpose for which the same was assessed, levied and collected, unless it is or shall have become impossible to use such money for that specific purpose;

(5) [He] Is an officer or employee of any court and knowingly charges, collects or receives less fee for his services than is provided by law;

(6) [He] Is an officer or employee of any court and knowingly, directly or indirectly, buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any county warrant, at less than par value which may be by law due or to become due to any person by or through any such court; **or**

(7) [He] Is a county officer, deputy or employee and knowingly traffics for or purchases at less than the par value or speculates in any [court] **county** warrant issued by order of the county commission of his **or her** county, or in any claim or demand held against such county.

2. **The offense of** official misconduct is a class A misdemeanor.

576.050. MISUSE OF OFFICIAL INFORMATION — PENALTY. — 1. A public servant commits the [crime] **offense** of misuse of official information if, in contemplation of official action by himself or herself or by a governmental unit with which he or she is associated, or in reliance on information to which he or she has access in his or her official capacity and which has not been made public, he or she knowingly:

(1) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

(2) Speculates or wagers on the basis of such information or official action; or

(3) Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit on any person.

2. A person commits the [crime] **offense** of misuse of official information if he or she [knowingly or] recklessly obtains or discloses information from the Missouri uniform law enforcement system (MULES) or the National Crime Information Center System (NCIC), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job.

3. **The offense of** misuse of official information is a class A misdemeanor.

576.060. FAILURE TO GIVE A TAX LIST—PENALTY. — 1. A person commits the [crime] **offense** of failure to give a tax list if, when requested by a government assessor, he **or she** knowingly fails to give a true list of all his **or her** taxable property, or to take and subscribe an oath or affirmation to such list as required by law.

2. Failure to give a tax list is an infraction.

576.070. TREASON—PENALTY. — 1. A person owing allegiance to the state commits **the offense of** treason if he **or she** purposely levies war against the state, or adheres to its enemies by giving them aid and comfort.

2. No person shall be convicted of treason unless one or more overt acts are alleged in the indictment or information.

3. In a trial on a charge of treason, no evidence shall be given of any overt act that is not specifically alleged in the indictment or information.

4. No person shall be convicted of treason except upon the direct evidence of two or more witnesses to the same overt act, or upon his **or her** confession under oath in open court.

5. **The offense of** treason is a class A felony.

576.080. SUPPORTING TERRORISM—DEFINITION OF MATERIAL SUPPORT—PENALTY. — 1. A person commits the [crime] **offense** of supporting terrorism if such person knowingly provides material support to any organization designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189, as amended and acts recklessly with regard to whether such organization had been designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189.

2. For the purpose of this section, "material support" includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation and other physical assets, except medicine or religious materials.

3. **The offense of** supporting terrorism is a class [C] **D** felony.

577.001. CHAPTER DEFINITIONS. — [1.] As used in this chapter, [the term "court" means any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes

participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041] **the following terms mean:**

- (1) **"Aggravated offender", a person who has been found guilty of:**
 - (a) **Three or more intoxication-related traffic offenses committed on separate occasions; or**
 - (b) **Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;**
 - (2) **"Aggravated boating offender", a person who has been found guilty of:**
 - (a) **Three or more intoxication-related boating offenses; or**
 - (b) **Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;**
 - (3) **"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;**
 - (4) **"Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;**
 - (5) **"Chronic offender", a person who has been found guilty of:**
 - (a) **Four or more intoxication-related traffic offenses committed on separate occasions; or**
 - (b) **Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or**
 - (c) **Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;**
 - (6) **"Chronic boating offender", a person who has been found guilty of:**
 - (a) **Four or more intoxication-related boating offenses; or**
 - (b) **Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or**
 - (c) **Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;**
 - (7) **"Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;**
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- (8) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;
- (9) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;
- (10) "Habitual offender", a person who has been found guilty of:
- (a) Five or more intoxication-related traffic offenses committed on separate occasions; or
 - (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
 - (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (11) "Habitual boating offender", a person who has been found guilty of:
- (a) Five or more intoxication-related boating offenses; or
 - (b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
 - (c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (12) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;
- (13) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;
- (14) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;
- (15) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;
- (16) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;
- (17) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;
- (18) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;
- (19) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(20) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.010. DRIVING WHILE INTOXICATED—SENTENCING RESTRICTIONS.— 1. A person commits the [crime] offense of ["driving while intoxicated"] if he or she operates a [motor] vehicle while in an intoxicated [or drugged] condition.

2. **The offense of driving while intoxicated is [for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years] :**

- (1) **A class B misdemeanor;**
- (2) **A class A misdemeanor if:**
 - (a) **The defendant is a prior offender; or**
 - (b) **A person less than seventeen years of age is present in the vehicle;**
- (3) **A class E felony if:**
 - (a) **The defendant is a persistent offender; or**
 - (b) **While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;**
- (4) **A class D felony if:**
 - (a) **The defendant is an aggravated offender;**
 - (b) **While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or**
 - (c) **While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;**
- (5) **A class C felony if:**
 - (a) **The defendant is a chronic offender;**
 - (b) **While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or**
 - (c) **While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;**
- (6) **A class B felony if:**
 - (a) **The defendant is a habitual offender;**
 - (b) **While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; or**
 - (c) **While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons unless it is a second or subsequent violation of this subsection, in which case it is a class A felony.**

3. Notwithstanding the provisions of subsection 2 of this section, [in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program] **a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:**

- (1) **Unless such person shall be placed on probation for a minimum of two years; or**
- (2) **In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.**

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section [for such first offense]:

(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of driving while intoxicated:

(1) **As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;**

(2) **As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:**

(a) **Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or**

(b) **The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;**

(3) **As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:**

(a) **Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or**

(b) **The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;**

(4) **As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;**

(5) **As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.**

577.012. DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT — SENTENCING RESTRICTIONS, JACKSON COUNTY AND CERTAIN JUDICIAL CIRCUITS. — 1. A person commits the [crime] offense of ["]driving with excessive blood alcohol content["] if such person operates:

(1) A [motor] vehicle [in this state with] **while having eight-hundredths of one percent or more by weight of alcohol in [such person's] his or her blood; or**

(2) **A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her blood.**

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. [For the first offense,] **The offense of driving with excessive blood alcohol content is [a class B misdemeanor] :**

(1) **A class B misdemeanor;**

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. [In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program] **A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:**

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section[, for such first offense]:

(1) If the individual operated the [motor] vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the [motor] vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011, to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

577.013. BOATING WHILE INTOXICATED — SENTENCING RESTRICTIONS. — 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons unless it is a second or subsequent violation of this subsection, in which case it is a class A felony.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of boating while intoxicated:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment;

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

577.014. BOATING WITH EXCESSIVE BLOOD ALCOHOL CONTENT — PENALTIES — SENTENCING RESTRICTIONS, JACKSON COUNTY AND CERTAIN CIRCUITS. — 1. A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having eight-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of boating with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated boating offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

4. A person found guilty of the offense of boating with excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with

fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. When a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. A person found guilty of the offense of boating with excessive blood alcohol content:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011, to the contrary notwithstanding;

(2) As a prior boating offender, shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent boating offender, shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender, shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender, shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

[577.203.] 577.015. OPERATING AN AIRCRAFT WHILE INTOXICATED — PENALTIES. —

1. [It is unlawful for any] A person [to operate, or act as a flight crew member of, any aircraft in this state:

(1) While under the influence of alcohol or a controlled substance, or any combination thereof;

(2) With four one-hundredths of one percent or more by weight of alcohol in his blood; or

(3) Within eight hours after the consumption of any alcoholic beverage.

2. Any person found guilty of violating this section and section 577.201 shall have committed a class C misdemeanor.

3. Any person found guilty a second or subsequent time of violating this section and section 577.201 shall have committed a class A misdemeanor] **commits the offense of operating an aircraft while intoxicated if he or she, while in an intoxicated condition, knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight navigator for an aircraft while in operation.**

2. The offense of operating an aircraft while intoxicated is:

(1) A class C misdemeanor;

(2) A class A misdemeanor if the person has previously been found guilty of the offense of operating an aircraft while intoxicated or with an excessive blood alcohol content, or any offense committed in another jurisdiction which, if committed in this state, would be the offense of operating an aircraft with excessive blood alcohol content or while intoxicated.

577.016. OPERATING AN AIRCRAFT WITH EXCESSIVE BLOOD ALCOHOL CONTENT — PENALTIES. — 1. A person commits the offense of operating an aircraft with excessive blood alcohol content if he or she knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight navigator for an aircraft while in operation:

(1) With four one-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) Within eight hours after the consumption of any alcoholic beverage.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of operating an aircraft with excessive blood alcohol content is:

(1) A class C misdemeanor;

(2) A class A misdemeanor if the defendant has been found guilty of operating an aircraft with excessive blood alcohol content or operating an aircraft while intoxicated or any offense committed in any jurisdiction which, if committed in this state, would be the offense of operating an aircraft with excessive blood alcohol content or operating an aircraft while intoxicated.

577.017. CONSUMPTION OF ALCOHOLIC BEVERAGES WHILE DRIVING — PENALTY. —

1. [No] A person [shall consume any] commits the offense of consumption of an alcoholic beverage while [operating] driving if he or she operates a moving motor vehicle upon [the highways, as defined in section 301.010] any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality while consuming any alcoholic beverage.

2. [Any person found guilty of violating the provisions of this section is guilty of an infraction.

3. Any infraction under this section shall not reflect on any records with the department of revenue] The offense of consumption of an alcoholic beverage while driving is an infraction and shall not be reflected on any records maintained by the department of revenue.

577.020. CHEMICAL TESTS FOR ALCOHOL CONTENT OF BLOOD — CONSENT IMPLIED, WHEN — ADMINISTERED, WHEN, HOW — INFORMATION AVAILABLE TO PERSON TESTED, CONTENTS—VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE.

— 1. Any person who operates a [motor] vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent [to], subject to the provisions of sections 577.019 to 577.041, to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was [driving a motor] operating a vehicle or a vessel while in an intoxicated [or drugged] condition; [or]

(2) **If the person is detained for any offense of operating an aircraft while intoxicated under section 577.015 or operating an aircraft with excessive blood alcohol content under section 577.016;**

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was [driving a motor] **operating a vehicle or a vessel** with a blood alcohol content of two-hundredths of one percent or more by weight; [or]

[3)] (4) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

[4)] (5) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater; **or**

[5)] (6) If the person, while operating a [motor] vehicle, has been involved in a [motor vehicle] collision **or accident** which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in [chapter] **chapters 306 and 307**, or similar provisions contained in county or municipal ordinances; [or] .

[(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in section 565.002.]

The test shall be administered at the direction of the law enforcement officer whenever the person has been [arrested or] stopped, **detained, or arrested** for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same **stop, detention, arrest, incident or charge.**

3. **To be considered valid,** chemical analysis of the person's breath, blood, saliva, or urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be performed, according to methods approved by the state department of health and senior services, by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

4. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be [considered valid] **used in the chemical test** pursuant to the provisions of sections 577.019 to 577.041 [and] . **The department** shall **also** establish standards to ascertain the qualifications and competence of individuals to conduct **such** analyses and [to] issue permits which shall be subject to termination or revocation by the state department of health and senior services.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
- (2) The time of the collection of the blood [or] , breath [sample] , or urine **sample** analyzed;
- (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;

(4) The type and status of any permit which was held by the person who performed the test;

(5) If the test was administered by means of a breath-testing instrument, the date [of performance] of the most recent [required] maintenance of such instrument. Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at [either] any trial of such person for [either] a violation of any state law or county or municipal ordinance, [or] **and at any license revocation or suspension proceeding held** pursuant to the provisions of chapter 302.

577.021. CHEMICAL TESTING AUTHORIZED — REASONABLE EFFORTS TO TEST REQUIRED — ADMISSIBILITY. — 1. Any state, county or municipal law enforcement officer [who has the power of arrest for violations of section 577.010 or 577.012 and] who is certified pursuant to chapter 590 may, prior to arrest, administer a chemical test to any person suspected of operating a [motor] vehicle [in violation of section 577.010 or 577.012] , **vessel, or aircraft or acting as a flight crew member of an aircraft while in an intoxicated condition or with an excessive blood alcohol content.**

2. Any state, county, or municipal law enforcement officer [who has the power of arrest for violations of section 577.010 or 577.012 and] who is certified under chapter 590 shall make all reasonable efforts to administer a chemical test to any person suspected of [driving a motor] **operating a vehicle or vessel** involved in a collision **or accident** which resulted in a fatality or serious physical injury as defined in section [565.002] **556.061.**

3. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of sections 577.019 and 577.020 shall not apply to a test administered prior to arrest pursuant to this section. [The provisions changing chapter 577 are severable from this legislation. The general assembly would have enacted the remainder of this legislation without the changes made to chapter 577, and the remainder of the legislation is not essentially and inseparably connected with or dependent upon the changes to chapter 577.]

577.023. AGGRAVATED, CHRONIC, PERSISTENT AND PRIOR OFFENDERS, WHEN — TRIAL PROCEDURES — SENTENCING INFORMATION. — 1. [For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under

subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

(6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days involving at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.

(2) No persistent offender shall be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days involving at least four hundred eighty hours of community service under the supervision of the court; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court.

(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.

(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal] A court shall find the defendant to be a prior offender, **prior boating offender**, persistent offender, **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**, chronic offender, **chronic boating offender**, **habitual offender**, or **habitual boating offender** if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, **prior boating offender**, persistent offender, **persistent boating offender**, **aggravated offender**, **aggravated boating offender**, **chronic offender**, **chronic boating offender**, **habitual offender**, or **habitual boating offender**; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, **prior boating offender**, persistent offender, **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**, chronic offender, **chronic boating offender**, **habitual offender**, or **habitual boating offender**; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, **prior boating offender**, persistent offender, **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**, chronic offender, **chronic boating offender**, **habitual offender**, or **habitual boating offender**.

[8.] 2. In a jury trial, the [facts] defendant's status as a prior offender, **prior boating offender**, persistent offender, **persistent boating offender**, aggravated offender, **aggravated boating offender**, chronic offender, **chronic boating offender**, **habitual offender**, or **habitual boating offender** shall be [pleaded, established and] found prior to submission to the jury outside of its hearing.

[9.] 3. In a trial without a jury or upon a plea of guilty, [the court may defer the proof in findings of such facts to a later time, but] **a determination of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender may be made by the court at any time** prior to sentencing.

4. Evidence offered as proof of the defendant's status as a **prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender or habitual boating offender shall include but not be limited to evidence of findings of guilt received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. Any findings of guilt used to establish the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender or habitual boating offender shall be prior to the date of commission of the present offense.**

[10.] 5. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

[11.] 6. The defendant may waive proof of the facts [alleged] **used to prove his or her status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender.**

[12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

[15.] 7. **If a court finds the defendant to be a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender, the court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict [in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders].**

[16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.]

8. **At sentencing, all parties shall be permitted to present additional information bearing on the issue of the sentence. Nothing in this section shall prevent the use of presentence investigations, sentencing advisory reports or commitments.**

[306.110.]577.024. UNLAWFUL USE OF WATERSKI'S AND SURFBOARDS —PENALTY. —

1. [No person shall operate any motorboat or watercraft, or manipulate] **A person commits the offense of unlawful use of water skis and surfboards, if such person:**

(1) **Manipulates** any water skis[,] or surfboard [or other waterborne device] in a reckless or negligent manner so as to endanger the life or property of any person[.]

2. No person shall operate any motorboat or watercraft, or manipulate] ; **or**

(2) **Manipulates** any water skis[,] or surfboard [or other waterborne device] while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

2. The offense of unlawful use of water skis and surfboards is a class B misdemeanor.

[306.111.]577.025. NEGLIGENT OPERATION OF A VESSEL —PENALTY. — [1.]

A person commits the [crime] **offense** of negligent operation of a vessel if when operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section 562.016, to cause physical injury to any other person or damage to the property of any other person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the second violation, and guilty of a class [D] **E** felony for conviction for the third and subsequent violations.

[2. A person commits the crime of operating a vessel while intoxicated if he or she operates a vessel on the Mississippi River, Missouri River or the lakes of this state while in an intoxicated condition. Operating a vessel while intoxicated is a class B misdemeanor.

3. A person commits the crime of involuntary manslaughter with a vessel if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause the death of any person. Involuntary manslaughter with a vessel is a class C felony.

4. A person commits the crime of assault with a vessel in the second degree if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause physical injury to any other person. Assault with a vessel in the second degree is a class D felony.

5. For purposes of this section, a person is in an intoxicated condition when he or she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.]

577.029. BLOOD ALCOHOL CONTENT TESTS, HOW MADE, BY WHOM, WHEN —PERSON TESTED TO RECEIVE CERTAIN INFORMATION, WHEN. —

A licensed physician, registered nurse, **phlebotomist**, or trained medical technician, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.

577.031. PERSONS ADMINISTERING TESTS NOT LIABLE, WHEN. — No person who administers any test pursuant to the provisions of sections 577.020 to 577.041 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable in damages to the person tested unless for gross negligence [or by] , willful or wanton act, or omission.

577.037. CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF. —

1. Upon the trial of any person for [violation of any of the provisions of section 565.024, or section 565.060, or section 577.010 or 577.012, or upon the trial of any criminal action] **any criminal offense** or violations of county or municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, arising out of acts alleged to have been committed by any person while [driving] **operating a motor vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft**, while in an intoxicated condition **or with an excessive blood alcohol content**, the amount of alcohol in the person's blood at the time of the act [alleged], as shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. [If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.]

2. **If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an excessive blood alcohol content shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted:**

(1) **There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;**

(2) **There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or**

(3) **There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.**

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

[3.] 4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

[4.] 5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection [1] 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.

[5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health and senior services demonstrate that there was less than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) **There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;**

(2) **There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or**

(3) **There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.]**

577.041. REFUSAL TO SUBMIT TO CHEMICAL TEST — ADMISSIBILITY — REQUEST TO INCLUDE REASONS AND EFFECT OF REFUSAL. — 1. If a person [under arrest, or who has been stopped pursuant to] **detailed, stopped, or arrested under** subdivision [(2) or] (3) or (4) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in [a] **any** proceeding [pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012] **related to the acts resulting in such detention, stop, or arrest.**

2. The request of the officer **to submit to any chemical test** shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person [and that the person's] . **If such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall further be informed that his or her** license shall be immediately revoked upon refusal to take the test.

3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. [In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form

prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

- (1) Whether or not the person was arrested or stopped;
- (2) Whether or not the officer had:
 - (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall

remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.]

[577.041. REFUSAL TO SUBMIT TO CHEMICAL TEST — ADMISSIBILITY — REQUEST TO INCLUDE REASONS AND EFFECT OF REFUSAL. — 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an

attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

- (1) That the officer has:
 - (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
- (2) That the person refused to submit to a chemical test;
- (3) Whether the officer secured the license to operate a motor vehicle of the person;
- (4) Whether the officer issued a fifteen-day temporary permit;
- (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and
- (6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

- (1) Whether or not the person was arrested or stopped;
- (2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (23) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this

section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked more than once for violation of the provisions of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.]

577.060. LEAVING THE SCENE OF AN ACCIDENT — PENALTIES. — 1. A person commits the [crime] **offense** of leaving the scene of [a motor vehicle] **an** accident when:

(1) Being the operator [or driver] of a vehicle [on the highway or on any publicly or privately owned parking lot or parking facility generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his culpability or to accident,] **or a vessel involved in an accident resulting in injury or death or damage to property of another person; and**

(2) **Having knowledge of such accident** he **or she** leaves the place of the injury, damage or accident without stopping and giving [his name, residence, including city and street number, motor vehicle number and driver's license number, if any,] **the following information** to the [injured] **other** party or to a [police] **law enforcement** officer, or if no [police] **law enforcement** officer is in the vicinity, then to the nearest [police station or judicial officer] **law enforcement agency:**

- (a) **His or her name;**
- (b) **His or her residence, including city and street number;**
- (c) **The registration or license number for his or her vehicle or vessel; and**
- (d) **His or her operator's license number, if any.**

2. For the purposes of this section, all [peace] **law enforcement** officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned

[parking lot or parking facility] **property** for the purpose of investigating an accident and performing all necessary duties regarding such accident.

3. **The offense of leaving the scene of [a motor vehicle] an accident is [a class A misdemeanor, except that it shall be a class D felony if the accident resulted in:**

- (1) Physical injury to another party; or
- (2) Property damage in excess of one thousand dollars; or
- (3) If the defendant has previously pled guilty to or been found guilty of a violation of this

section] :

(1) **A class A misdemeanor; or**

(2) **A class E felony if:**

(a) **Physical injury was caused to another party; or**

(b) **Damage in excess of one thousand dollars was caused to the property of another person; or**

(c) **The defendant has previously been found guilty of any offense committed in another jurisdiction which, if committed in this state, would be a violation of an offense in this section.**

4. **A law enforcement officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of the investigation or information received and such additional facts relating to the accident as may come to his or her knowledge, mail the information to the department of public safety, and keep a record thereof in his or her office.**

5. **The provisions of this section shall not apply to the operation of all-terrain vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.**

577.068. FAILURE TO REPORT A SHOOTING — PENALTIES. — 1. A person commits the [crime] offense of [leaving the scene of] **failure to report a shooting when[,]** :

(1) **Being in possession of a firearm or projectile weapon as defined in section 571.010, [such person] he or she discharges such firearm or projectile weapon and causes injury or death to another person [and such person,] ; and**

(2) **Knowing that he or she has caused such injury or death, [leaves the place of the shooting without giving his name, address, and driver's license number, if applicable,] fails to report such shooting to a law enforcement officer. If no such officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest [police station or] law enforcement [officer. A person is not in violation of this section if he leaves the scene of a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise provides the information required by this section to a law enforcement officer within a reasonable time after the shooting] agency.**

2. Failure to report a shooting is:

(1) **A class A misdemeanor; or**

(2) **A class E felony if the person has previously been found guilty of a violation of this section or any offense committed in another jurisdiction which, if committed in this state, would be a violation of an offense described in this section.**

3. **A person is not in violation of this section if he or she fails to report a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise reports the shooting as provided herein within a reasonable time after the shooting.**

[2.] 4. **All [peace] law enforcement officers and reserve [peace] law enforcement officers [certified under the provisions of chapter 590] shall have authority to investigate shootings and arrest a person who violates subsection 1 of this section, except that conservation**

agents may enforce such provisions as to hunting related shootings. For the purpose of this section, a "hunting-related shooting" shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.

[3. Leaving the scene of a shooting is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been found guilty of a violation of this section.]

577.070. LITTERING — PENALTIES. — 1. A person commits the [crime] **offense** of littering if he [throws or] **or she** places, **deposits**, or causes to be [thrown or] placed **or deposited**, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without [his] **the owner's** consent.

2. **The offense of littering is a class [A] C misdemeanor unless:**

(1) Such littering creates a substantial risk of physical injury or property damage to another; or

(2) The person has been found guilty of a violation of this section or an offense committed in another jurisdiction which, if committed in this state, would be a violation under this section, in which case it is a class A misdemeanor.

577.073. DAMAGING STATE PARK PROPERTY — PENALTIES. — 1. [It is unlawful for any person to throw waste paper, tin cans, bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or stream within a state park, nor shall any person other than authorized personnel of the department of natural resources cut, prune, pick or deface or injure in any manner the flowers, trees, shrub or any other flora growing on the land or in the water of any state park] **A person commits the offense of damaging state park property if he or she:**

(1) Knowingly places or deposits waste paper, tin cans, bottles, or rubbish of any kind within a state park;

(2) Contaminates, in any manner, any spring, pool, or stream within a state park;

(3) Cuts, prunes, picks, defaces, or injures, in any manner, the flowers, trees, shrubs, or any other flora growing on the land or in the water of any state park except as performed or directed by authorized personnel of the department of natural resources; or

(4) Removes, injures, disfigures, defaces, or destroys an object of archaeological or historical value or interest within a state park except as performed or directed by authorized personnel of the department of natural resources.

2. [No person shall be permitted to offer or advertise merchandise or other goods for sale or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other state park property for commercial use except by written permission or concession contract with the department of natural resources; except that, the provisions of this subsection shall not apply to the normal and customary use of public roads by commercial and noncommercial organizations for the purpose of transporting persons or vehicles, including, but not limited to, canoes.

3. No object of archaeological or historical value or interest within a state park may be removed, injured, disfigured, defaced or destroyed except by authorized personnel.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor] **The offense of damaging state park property is a class C misdemeanor, unless:**

(1) Such damage creates a substantial risk of physical injury or property damage to another; or

(2) The defendant has previously been found guilty of a violation of this section or an offense committed in another jurisdiction which, if committed in this state, would be a violation under this section, in which case it is a class A misdemeanor.

577.075. ANHYDROUS AMMONIA, UNLAWFUL RELEASE — PENALTY. — 1. [It shall be unlawful for any] A person **commits the offense of unlawful release of anhydrous ammonia if he or she is** not the owner or not in lawful control of an approved container of anhydrous ammonia [to release or allow] **and knowingly releases or allows** the escape of anhydrous ammonia into the atmosphere.

2. **The offense of** unlawful release of anhydrous ammonia is a class B felony, unless such release causes **serious physical injury or death** [of a human being or causes serious physical injury] to any person in which case it is a class A felony.

577.076. UNLAWFUL DISPOSITION OF A DEAD ANIMAL — PENALTY. — 1. [If any] A person [or persons shall put any dead animal, carcass or part thereof, the offal or any other filth] **commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:**

(1) Into any well, spring, brook, branch, creek, pond, or lake], every person so offending shall, on conviction thereof, be fined not less than twenty-five nor more than five hundred dollars.

2. If any person shall remove, or cause to be removed and placed in or near any] ; **or**

(2) On any public road or highway, river, stream, or watercourse or upon premises not his **or her** own], or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this state, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars nor more than five hundred dollars, and if such nuisance be not removed within three days thereafter, it shall be deemed a second offense against the provisions of this section] **for the purpose of annoying another or others.**

2. **The offense of unlawful disposition of a dead animal is a class C misdemeanor.**

[569.072.] 577.078. WATER CONTAMINATION — PENALTY. — 1. A person commits the [crime] **offense** of criminal water contamination if such person knowingly introduces any dangerous radiological, chemical or biological agent or substance into any public or private waters of the state or any water supply with the purpose of causing death or serious physical injury to another person.

2. **The offense of** criminal water contamination is a class B felony.

577.080. ABANDONING MOTOR VEHICLE — LAST OWNER OF RECORD DEEMED THE OWNER OF ABANDONED MOTOR VEHICLE, PROCEDURES — PENALTY — CIVIL LIABILITY. — 1. A person commits the [crime] **offense** of abandoning a [motor] vehicle, vessel, or trailer if he **or she knowingly** abandons any [motor] vehicle, vessel, or trailer on:

(1) The right-of-way of any public road or state highway [or] ;

(2) On or in any of the waters in this state [or] ;

(3) On the banks of any stream], or] ;

(4) On any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof [or] ;

(5) On any land or water owned, operated or leased by the federal government; or

(6) On any private real property owned by another without his **or her** consent.

2. For purposes of this section, the last owner of record of a [motor] vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and 301.197 shall be deemed prima facie [to have been the owner] **evidence of ownership** of such [motor] vehicle, vessel, or trailer at the time it was abandoned and [to have been] the person who

abandoned the [motor] vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned [motor] vehicle, vessel, or trailer shall not be subject to the penalties provided by this section if the [motor] vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the [motor] vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the [motor] vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the [motor] vehicle, vessel, or trailer is alleged to have been stolen, the owner of the [motor] vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.

3. **The offense of abandoning a [motor] vehicle, vessel, or trailer is a class A misdemeanor.**

4. Any person convicted pursuant to this section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the [motor] vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned [motor] vehicle, vessel, or trailer that exist at the time the [motor vehicle or vessel] **property** is transferred pursuant to section 304.156 shall remain the liability of the person convicted pursuant to this section so long as the towing company, as defined in chapter 304, provided the title owner and lienholders, as ascertained by the department of revenue records, a notice within the time frame and in the form as described in subsection 1 of section 304.156.

577.100. ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS —PENALTY.

— 1. A person commits the [crime] **offense** of abandonment of **an airtight [icebox] or semiairtight container** if he **or she knowingly** abandons, discards, or [knowingly] permits to remain on premises under his **or her** control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

2. Subsection 1 of this section does not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, [warehouseman or repairman] **warehouse operator or repair person.**

3. The defendant shall have the burden of injecting the issue under subsection 2 of this section.

4. **The offense of abandonment of an airtight [icebox] or semiairtight container** is a class B misdemeanor.

577.150. TAMPERING WITH A WATER SUPPLY — PENALTY. — [Whoever willfully or maliciously] **1. A person commits the offense of tampering with a water supply if he or she purposely:**

(1) Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes[, or whoever willfully or maliciously] ; **or**

(2) Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for their use[, shall be

adjudged guilty of a misdemeanor, and punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, and shall be liable to the party injured for three times the actual damage sustained, to be recovered by suit at law].

2. The offense of tampering with a water supply is a class A misdemeanor.

577.155. CONSTRUCTION OR USE OF A WASTE DISPOSAL WELL — DEFINITIONS — PENALTY. — 1. [No] A person, firm, corporation or political subdivision [shall construct or use any waste disposal well located in this state] **commits the offense of construction or use of a waste disposal well if such person, firm, corporation, or political subdivision knowingly constructs or uses a waste disposal well.**

2. As used in this section, "waste disposal well" [shall mean] **means** any subsurface void porous formation or cavity, natural or artificial, used for the disposal of liquid or semi-aqueous waste except as excluded in subsection 3 of this section.

3. "Waste disposal well" shall not include:

(1) Sanitary landfills or surface mining pits used for the disposal of nonputrescible solid wastes as defined in section 64.460;

(2) Cesspools used solely for disposal of waste from private residences; or

(3) Septic tanks used solely for disposal of waste.

4. It shall not be a violation of this section to:

(1) Inject or return fluids into subsurface formations in connection with oil or gas operations regulated by the state oil and gas council pursuant to chapter 259;

(2) Inject or return water into subsurface formations pursuant to chapter 644 and section 192.020 in connection with the following instances:

(a) Any groundwater heat pump injection/withdrawal well that is limited to a single family residence;

(b) Any groundwater heat pump injection/withdrawal well that is limited to eight or less single family residences as long as the combined injection/withdrawal rate is less than six hundred thousand British Thermal Units per hour;

(c) All other uses of groundwater heat pump injection/withdrawal wells shall be subject to a permitting procedure as established and regulated by the clean water commission; or

(3) Backfill cavities as an integral part of the mining operation with aggregate or other material obtained from that operation to either reduce accumulation of waste on the surface or to provide additional ground support in the mined-out areas or to inundate such cavities with water devoid of toxic liquid wastes, but the person, firm, or corporation who so backfills may not do so without the consent of the owner of the property to be backfilled.

5. [Any person, firm, or corporation who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law] **The offense of construction or use of a waste disposal well is a class A misdemeanor.** Each day of violation constitutes a separate offense.

577.161. PROHIBITING THE USE OF A LIFE JACKET — DEFINITIONS — PENALTY. — 1. [No] A person [shall prohibit] **commits the offense of prohibiting** the use of a life jacket **if he or she knowingly disallows the use of a life jacket** in a swimming pool by any individual who, as evidenced by a statement signed by a licensed physician, suffers from a physical disability or condition which necessitates the use of such life jacket.

2. [Any person violating subsection 1 of this section shall be guilty of] **As used in this section the following terms mean:**

(1) "Swimming pool", any artificial basin of water which is modified, improved, constructed, or installed for the purpose of public swimming, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having five or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.

and Y.W.C.A. parks, recreational areas, motels, hotels, and other commercial establishments. It does not include pools at private residences intended only for the use of the owner or guests;

(2) "Person", any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the state of Missouri or any political subdivision or department thereof, or any other entity;

(3) "Life jacket", a life jacket, life vest, or any other flotation device designed to be worn about the body to assist in maintaining buoyancy in water.

3. The offense of prohibiting the use of a life jacket is a class C misdemeanor.

[568.052.] 577.300. LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE—FIRST AND SECOND DEGREE—PENALTIES.— 1. As used in this section, the following terms mean:

(1) "Collision", the act of a motor vehicle coming into contact with an object or a person;

(2) ["Injury",] "**Injures**", to cause physical harm to the body of a person;

(3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;

(4) "Unattended", not accompanied by an individual fourteen years of age or older.

2. A person commits the [crime] **offense** of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child [ten years of age or] less **than eleven years of age** unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian. [Such person shall be guilty of]

3. **Leaving a child unattended in a motor vehicle in the first degree is a class C felony.**

[3.] 4. A person commits the [crime] **offense** of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child [ten years of age or] less **than eleven years of age** unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. [Such person shall be guilty of]

5. **The offense of leaving a child unattended in a motor vehicle in the second degree is a class A misdemeanor.**

577.599. FAILURE TO COMPLY WITH IGNITION INTERLOCK DEVICE REQUIREMENTS—PENALTY.— 1. **A person commits the offense of failure to comply with ignition interlock device requirements if he or she knowingly operates a motor vehicle that is not equipped with a functioning certified ignition interlock device in violation of a court, or department of revenue, order to use such a device.**

2. **The offense of failure to comply with ignition interlock device requirements is a class A misdemeanor.**

577.600. RENTING, LEASING, OR LENDING A VEHICLE TO A PERSON REQUIRED TO COMPLY WITH IGNITION INTERLOCK REQUIREMENTS—PENALTY.— 1. [In addition to any other provisions of law, a court may require that any person who is found guilty of or pleads guilty to a first intoxication-related traffic offense, as defined in section 577.023, and a court shall require that any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined in section 577.023, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than six months from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309 to any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege. These requirements shall be in addition to any other provisions of this chapter or chapter 302 requiring installation and

maintenance of an ignition interlock device. Any person required to use an ignition interlock device, either under the provisions of this chapter or chapter 302, shall comply with such requirement subject to the penalties provided by this section.

2. No] A person [shall knowingly rent, lease or lend a motor] **commits the offense of renting, leasing, or lending a vehicle to a person [known to have had that person's driving privilege restricted as provided in subsection 1 of this section,] required to comply with ignition interlock requirements if he or she knowingly rents, leases, or lends a vehicle to a person required to use an ignition interlock device on all vehicles operated by the person** unless the vehicle [is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted as provided in subsection 1 of this section shall notify any other person who rents, leases or loans a motor vehicle to that person of the driving restriction imposed pursuant to this section.

3. Any person convicted of a violation of this section shall be guilty of] **being rented, leased, or loaned is equipped with a functioning, certified ignition interlock device.**

2. **The offense of renting, leasing, or lending a vehicle to a person required to comply with ignition interlock requirements is a class A misdemeanor.**

577.605. FAILURE TO NOTIFY ANOTHER OF IGNITION INTERLOCK REQUIREMENTS — PENALTY. — 1. A person commits the offense of failure to notify another of ignition interlock requirements if he or she is required to use an ignition interlock device on all vehicles he or she operates and he or she knowingly fails to notify any other person who rents, leases or loans a vehicle to that person of such requirement.

2. **The offense of failing to notify another of ignition interlock requirements is a class A misdemeanor.**

577.612. TAMPERING WITH OR CIRCUMVENTING THE OPERATION OF AN INTERLOCK DEVICE — PENALTY. — 1. [It is unlawful for any] A person [whose driving privilege is restricted pursuant to the provisions of this chapter or chapter 302 to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

2. It is unlawful to blow] **commits the offense of tampering with or circumventing the operation of an ignition interlock device if:**

(1) **His or her driving privilege is restricted by a prohibition on the operation of any vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device, and he or she knowingly requests or solicits any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person so restricted with an operable vehicle; or**

(2) **He or she blows into an ignition interlock device or [to start a motor] starts a vehicle equipped with the device for the purpose of providing an operable [motor] vehicle to a person whose driving privilege is restricted pursuant to the provisions of this chapter or chapter 302[.**

3. It is unlawful to tamper] **by a prohibition on the operation of any vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device; or**

(3) **He or she tampers with, or [circumvent] circumvents the operation of, an ignition interlock device.**

[4. Any person who violates any provision of this section is guilty of]

2. **The offense of tampering with or circumventing the operation of an ignition interlock device is a class A misdemeanor.**

577.675. TRANSPORTATION OF AN ILLEGAL ALIEN — PENALTY. — 1. [It shall be unlawful for any person to knowingly transport, move, or attempt to transport in the state of Missouri] A person commits the offense of transportation of an illegal alien if he or she knowingly transports, moves, or attempts to transport or move any illegal alien who is not

lawfully present in the United States, according to the terms of 8 U.S.C. Section 1101, et seq., for the purposes of trafficking in violation of sections 566.200 to 566.215, drug trafficking in violation of sections [195.222 and 195.223] **579.065 and 579.068**, prostitution in violation of chapter 567, or employment.

2. [Any person violating the provisions of subsection 1 of this section shall be guilty of a felony for which the authorized term of imprisonment is a term of years not less than one year, or by a fine in an amount not less than one thousand dollars, or by both such fine and imprisonment] **The offense of transportation of an illegal alien is a class D felony.**

3. Nothing in this section shall be construed to deny any victim of an offense under sections 566.200 to 566.215 of rights afforded by the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

[578.300.] 577.700. DEFINITIONS. — As used in sections [578.300 to 578.330] **577.700 to 577.718** and section 307.176 unless the context clearly requires otherwise, the following terms shall mean:

(1) "Bus", any passenger bus or coach or other motor vehicle having a seating capacity of not less than fifteen passengers operated by a bus transportation company for the purpose of carrying passengers or cargo for hire, but not to include a bus or coach utilized exclusively to transport children to and from schools;

(2) "Bus transportation company" or "company", any person, groups of persons or corporation providing for-hire transport to passengers or cargo by bus upon the highways of this state, whether in interstate or intrastate travel, but not to include a company utilizing buses transporting children to and from school. This term shall also include bus transportation facilities owned or operated by local public bodies, municipalities, public corporations, boards and commissions except school districts established under the laws of this state;

(3) "Charter", a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with a bus transportation company's tariff, have acquired the exclusive use of a bus to travel together as a group to a specified destination;

(4) "Passenger", any person served by the transportation company and, in addition to the ordinary meaning of passenger, this term shall also include persons accompanying or meeting another who is transported by a company, any person shipping or receiving cargo;

(5) "Terminal", a bus station or depot or any facility operated or leased by or operated on behalf of a bus transportation company, including a reasonable area immediately adjacent to any designated stop along the route traveled by any coach operated by a bus transportation company, and parking lots or parking areas adjacent to a terminal.

[578.305.] 577.703. BUS HIJACKING, DEFINITION, PENALTY — ASSAULT WITH INTENT TO COMMIT BUS HIJACKING, PENALTY, WITH A DEADLY WEAPON, PENALTY — POSSESSION AND CONCEALMENT OF DEADLY WEAPON BY PASSENGER, PENALTY, EXCEPTION. — 1. **A person commits** the offense of ["bus hijacking"] is defined as the seizure or exercise of] **if he or she seizes or exercises** control, by force or violence or threat of force or violence, of any bus [within the jurisdiction of this state]. **The offense of bus hijacking [shall be] is a class B felony.**

2. The offense of "assault with the intent to commit bus hijacking" is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person. Assault to commit bus hijacking [shall be] **is a class [C] D felony.**

3. Any person, who, in the commission of such intimidation, threat, assault or battery with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

4. Any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his **or her** person or effects is guilty

of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus. Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus [shall be] is a class [C] **D** felony. The provisions of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; nor shall the provisions of this subsection apply to persons who are in possession of weapons or other means of inflicting serious bodily injury with the consent of the owner of such bus, [or] his **or her** agent, or the lessee or bailee of such bus.

[578.310.] 577.706. PLANTING A BOMB OR EXPLOSIVE IN OR NEAR A BUS OR TERMINAL — PENALTIES. — 1. [It is unlawful for any person at any time to bomb or to plant or place] **A person commits the offense of planting a bomb or explosive in or near a bus or terminal if he or she bombs, plants, or places** any bomb or other explosive matter or thing in, upon, or near any terminal or bus, wherein a person or persons are located or being transported, or where there is being stored, [or] shipped or prepared for shipment, any goods, wares, merchandise or anything of value. [Any person who violates the provisions of this subsection shall be guilty of] **The offense of planting a bomb or explosive in or near a bus or terminal is a class A felony.**

2. [It is unlawful for any person to threaten to commit the offense defined in subsection 1 of this section.] Any person [convicted of threatening] **who threatens** to commit the offense [defined in subsection 1] **of planting a bomb or explosive in or near a bus or terminal** shall be guilty of a class [C] **D** felony.

3. [It is unlawful to discharge] **Any person who discharges** any firearm or [hurl] **hurls** any missile at, [or] into [and/or] , **or** upon any bus, terminal, or other transportation facility[. Any person who violates the provisions of this subsection] shall be guilty of a class B felony.

[578.315.] 577.709. VULGAR OR PROFANE LANGUAGE — PASSENGER UNDER INFLUENCE OF ALCOHOL OR DRUGS, PENALTIES, EXCEPTIONS — DRIVER MAY REMOVE PASSENGER FROM BUS, WHEN. — 1. It is unlawful, while on a bus, in the terminal, or on property contiguous thereto for any person:

- (1) To threaten a breach of the peace or use any obscene, profane, or vulgar language;
- (2) To be under the influence of alcohol [or] , unlawfully under the influence of a controlled substance [or] , to ingest or have in his possession any controlled substance unless properly prescribed by a physician or medical facility, or to drink intoxicating liquor of any kind in or upon any passenger bus except a chartered bus;
- (3) To fail to obey a reasonable request or order of a bus driver or any duly authorized company representative.

2. If any person shall violate any provision of [subsection 1] **this section**, the driver of the bus, or person in charge thereof, may stop it at the place where the offense is committed, or at the next regular or convenient stopping place of the bus and require the person to leave the bus.

3. [Any person violating any provision of subsection 1 is deemed guilty of] **Violation of this section is a class C misdemeanor.**

[578.320.] 577.712. REFUSAL OF ADMISSION TO TERMINAL — REQUESTS FOR IDENTIFICATION OR TO LEAVE TERMINAL AUTHORIZED, FAILURE TO COMPLY, PENALTY. —

1. In order to provide for the safety, comfort, and well-being of passengers and others having a bona fide business interest in any terminal, a bus transportation company may refuse admission to terminals to any person not having bona fide business within the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws, regulations pursuant thereto, or to any ordinance of the political subdivision in which such terminal is located. A duly authorized company representative may ask any person in a terminal or on the premises of a terminal to identify himself **or herself** and state his **or her** business. Failure to comply with such request or failure to state an acceptable business purpose shall be grounds for the company

representative to request that such person leave the terminal. Refusal to comply with such request shall constitute disorderly conduct. Disorderly conduct shall be a class C misdemeanor.

2. It is unlawful for any person to carry a deadly or dangerous weapon or any explosives or hazardous material into a terminal or aboard a bus. Possession of a deadly or dangerous weapon, explosive or hazardous material shall be a class [C] **D** felony. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers.

[578.325.]577.715. DETENTION IN TERMINAL BY SECURITY GUARD AUTHORIZED — NO CRIMINAL OR CIVIL LIABILITY, EXCEPTION. — A duly authorized security guard may detain within the terminal any person committing an act declared unlawful by any provision of sections [578.300 to 578.330] **577.700 to 577.718** and section 307.176 until law enforcement authorities arrive. Such detention shall not constitute unlawful imprisonment and neither the company nor such company representative personally shall be civilly or criminally liable upon grounds of unlawful imprisonment or assault providing that only reasonable force is exercised against any person so detained.

[578.330.] 577.718. REMOVAL OF BAGGAGE OR CARGO WITHOUT OWNER'S PERMISSION — PENALTY. — [1. It is unlawful to remove] **A person commits the offense of removal of baggage or cargo without the owner's permission if he or she removes** any baggage, cargo or other item transported upon a bus or stored in a terminal without the consent of the owner of such property or the company, or its duly authorized representative. [Any person violating the provisions of this subsection shall be guilty of a class D felony.

2. The actual value of an item removed in violation of subsection 1 shall not be material to the crime herein defined.] **The actual value of an item removed is not material to the offense. The offense of removal of baggage or cargo without the owner's permission is a class E felony.**

578.009. ANIMAL NEGLECT — PENALTIES. — 1. A person [is guilty] **commits the offense** of animal neglect if he or she:

(1) Has custody or ownership [or both] of an animal and fails to provide adequate care; or
(2) **Knowingly abandons an animal in any place without making provisions for its adequate care.**

2. [A person is guilty of abandonment if he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3.] **The offense of animal neglect [and abandonment] is a class C misdemeanor [upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions] unless the person has previously been found guilty of an offense under this section, or an offense in another jurisdiction which would constitute an offense under this section, in which case it is a class B misdemeanor.**

3. All fines and penalties for a first [conviction of animal neglect or abandonment] **finding of guilt under this section** may be waived by the court [provided that] **if** the person found guilty of animal neglect [or abandonment] shows that adequate, permanent remedies for the neglect [or abandonment] have been made. Reasonable costs incurred for the care and maintenance of neglected [or abandoned] animals may not be waived. This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect [or abandonment] to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected [or abandoned] animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of resulting organic debris affecting the immediate area of the neglect [or abandonment]; and

(4) The avoidance or minimization of any public health risks created by the neglect [or abandonment] of the animals.

578.012. ANIMAL ABUSE —PENALTIES. — 1. A person [is guilty] **commits the offense** of animal abuse if [a person] **he or she**:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously [pled guilty to or has] been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation[, or both,] consciously inflicted while the animal was alive, in which case it is a class [D] E felony.

578.018. WARRANT FOR ENTRY ON PRIVATE PROPERTY TO INSPECT —IMPOUNDMENT OF ANIMALS, DISPOSITION. — 1. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate court to enable him **or her** to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall:

(1) Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;

(2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

(3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

(4) Not be liable for any necessary damage to property while acting under such warrant.

2. The owner or custodian or any person claiming an interest in any animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care and keeping for at least thirty days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact that bond may be posted pursuant to this subsection, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Such order shall provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal shall give notice of the provisions of this section by posting a copy of this section at the place where the animal was taken into custody or by delivering it to a person residing on the property.

3. The owner or custodian of any animal humanely killed pursuant to this section shall not be entitled to recover any damages related to nor the actual value of the animal if the animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian failed to post bond or security for the care, keeping and disposition of the animal after being notified of impoundment.

578.021. NEGLECTED OR ABUSED ANIMAL NOT TO BE RETURNED TO OWNER OR CUSTODIAN, WHEN. — If a person is [adjudicated] **found** guilty of the [crime] **offense** of animal neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court.

578.023. KEEPING A DANGEROUS WILD ANIMAL — PENALTY. — 1. [No person may keep] **A person commits the offense of keeping a dangerous wild animal if he or she keeps** any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless [such person] **he or she** has registered such animals with the local law enforcement agency in the county in which the animal is kept.

2. [Any person violating the provisions of this section shall be guilty of] **The offense of keeping a dangerous wild animal is a class C misdemeanor.**

578.024. KEEPING A DANGEROUS DOG — PENALTIES. — 1. [If a dog that has] **A person commits the offense of keeping a dangerous dog if he or she owns or possesses a dog that has** previously bitten a person or a domestic animal without provocation **and that dog** bites any person on a subsequent occasion[, the owner or possessor is guilty of a class B misdemeanor unless such attack] .

2. The offense of keeping a dangerous dog is a class B misdemeanor, unless such attack:

(1) Results in serious injury to any person, in which case, [the owner or possessor is guilty of] **it is** a class A misdemeanor; or

(2) Results in serious injury to any person and any previous attack also resulted in serious injury to any person, in which case, [the owner or possessor is guilty of] **it is** a class [D] **E** felony; or

(3) Results in the death of any person, in which case, [the owner or possessor shall be guilty of] **it is** a class [C] **D** felony.

[2.] **3.** In addition to the penalty included in subsection [1] **2** of this section, if any dog that has previously bitten a person or a domestic animal without provocation bites any person on a subsequent occasion or if a dog that has not previously bitten a person attacks and causes serious injury to or the death of any human, the dog shall be seized immediately by an animal control authority or by the county sheriff. The dog shall be impounded and held for ten business days after the owner or possessor is given written notification and thereafter destroyed.

[3.] **4.** The owner or possessor of the dog that has been impounded may file a written appeal to the circuit court to contest the impoundment and destruction of such dog. The owner or possessor shall provide notice of the filing of the appeal to the animal control authority or county sheriff who seized the dog. If the owner or possessor files such an appeal and provides proper notice, the dog shall remain impounded and shall not be destroyed while such appeal is pending and until the court issues an order for the destruction of the dog. The court shall hold a disposition hearing within thirty days of the filing of the appeal to determine whether such dog shall be humanely destroyed. The court may order the owner or possessor of the dog to pay the costs associated with the animal's keeping and care during the pending appeal.

[4.] **5.** Notwithstanding any provision of sections 273.033 and 273.036, section 578.022 and this section to the contrary, if a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner or possessor is not guilty of any crime specified under this section or section 273.036, and is not civilly liable under this section or section 273.036, nor shall such dog be destroyed as provided in subsection [2] **3** of

this section, nor shall such person engaged in or attempting to engage in a criminal activity at the time of the attack be entitled to the defenses set forth in section 273.033. For purposes of this section "criminal activity" shall not include the act of trespass upon private property under section 569.150 as long as the trespasser does not otherwise engage in, attempt to engage in, or have intent to engage in other criminal activity nor shall it include any trespass upon private property by a person under the age of twelve under section 569.140.

578.025. DOGFIGHTING — PENALTY. — 1. [Any person who] A person commits the offense of dogfighting if he or she:

(1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog;

(2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other; or

(3) Permits any act as described in subdivision (1) or (2) of this subsection to be done on any premises under his **or her** charge or control, or aids or abets any such act [is guilty of a class D felony].

2. [Any person who is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subdivision (2) of subsection 1 of this section, with the intent to be present at such exhibition, fighting, or injuring is guilty of a class A misdemeanor.

3. Nothing in this section shall be construed to prohibit:

(1) The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody of such livestock;

(2) The use of dogs in hunting; or

(3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.] **The offense of dogfighting is a class E felony.**

578.026. SPECTATING DOG FIGHTING — PENALTY. — 1. A person commits the offense of spectating dogfighting if he or she is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subdivision (2) of subsection 1 of section 578.025, with the intent to be present at such exhibition, fighting, or injuring.

2. **The offense of spectating dogfighting is a class A misdemeanor.**

3. **Nothing in this section shall be construed to prohibit:**

(1) **The use of dogs in the management of livestock by the owner of such livestock, his or her employees or agents, or other persons in lawful custody of such livestock;**

(2) **The use of dogs in hunting; or**

(3) **The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.**

578.027. CAUSING A DOG TO PURSUE A LIVE ANIMAL PROPELLED BY A DEVICE — PENALTY. — 1. [No person shall tie or attach or fasten] A person commits the offense of causing a dog to pursue a live animal propelled by a device if he or she ties or attaches or fastens any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs.

2. [Any person violating this section is guilty of] **The offense of causing a dog to pursue a live animal propelled by a device is a class A misdemeanor.**

578.028. UNLAWFUL REMOVAL OF AN ELECTRONIC DOG COLLAR OR RADIO TRANSMITTING DEVICE — PENALTY — RESTITUTION. — [Any] 1. A person [who] commits

the offense of unlawful removal of an electronic dog collar or radio transmitting device if he or she removes an electronic or radio transmitting collar from a dog without the permission of the owner of the dog with the intent to prevent or hinder the owner from locating the dog [is guilty of a class A misdemeanor. Upon a plea or finding of guilt,] .

2. The offense of unlawful removal of an electronic dog collar or radio transmitting device is a class A misdemeanor. The court shall order [that the defendant] **any person found guilty under this section to** pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues.

578.029. KNOWINGLY RELEASING AN ANIMAL —PENALTY. — 1. A person commits the [crime] **offense** of knowingly releasing an animal if [that person] **he or she**, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

2. As used in this section "animal" means every living creature, domesticated or wild, but not including Homo sapiens.

3. The provisions of this section shall not apply to a public servant acting in the course of such servant's official duties.

4. **The offense of** intentionally releasing an animal is a class B misdemeanor [except that the second or any subsequent offense] , **unless the defendant has previously been found guilty of a violation under this section, in which case it** is a class [D] E felony.

578.030. STATE HIGHWAY PATROL AND OTHER LAW ENFORCEMENT OFFICERS, POWERS AND DUTIES TO ENFORCE ANIMAL PROTECTION. — 1. The provisions of section 43.200 notwithstanding, any member of the state highway patrol or other law enforcement officer may apply for and serve a search warrant, and shall have the power of search and seizure in order to enforce the provisions of sections 578.025 to 578.050.

2. Any member of the state highway patrol or other law enforcement officer making an arrest under section 578.025 shall lawfully take possession of all dogs or other animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of section 578.025. **He or she** shall thereupon deliver the property so taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper person named and designated in such order, to be kept by him **or her** until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the prosecuting attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged, such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.

578.050. BULLBAITING AND COCKFIGHTING—PENALTY. — [Any person who shall keep or use] **1. A person commits the offense of bullbaiting or cockfighting if he or she:**

(1) Keeps, uses, or in any way [be] is connected with or interested in the management of, or [shall receive] **receives** money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock, or other creature, except dogs[, and any person who shall encourage, aid or assist or be present thereat,] ;

(2) Encourages, aids, assists, or is present at any place kept or used for such purpose; or [who shall permit or suffer]

(3) Permits or suffers any place belonging to him or her, or under his or her control, to be so kept or used[, shall, on conviction thereof, be guilty of a class A misdemeanor].

2. The offense of bullbaiting or cockfighting is a class A misdemeanor.

578.095. DESECRATION OF FLAGS — PENALTY. — 1. [Any person who] **A person commits the offense of desecrating a flag if he or she** purposefully and publicly mutilates, defaces, defiles, tramples upon or otherwise desecrates the national flag of the United States or the state flag of the state of Missouri [is guilty of the crime of flag desecration].

2. [National flag desecration] **The offense of desecrating a flag** is a class A misdemeanor.

578.151. INTERFERENCE WITH LAWFUL HUNTING, FISHING OR TRAPPING IN THE FIRST DEGREE — PENALTY. — 1. It is the intent of the general assembly of the state of Missouri to recognize that all persons shall have the right to hunt, fish and trap in this state in accordance with law and the rules and regulations made by the commission as established in article IV of the Constitution of Missouri.

2. [Any person who] **A person commits the offense of interference with hunting, fishing, or trapping in the first degree if he or she** intentionally interferes with the lawful taking of wildlife by another [is guilty of the crime of interference with lawful hunting, fishing or trapping in the first degree].

3. It shall be considered a violation of this section to intentionally harass, drive, or disturb any game animal or fish for the purpose of disrupting lawful hunting, fishing or trapping.

4. **The offense of** interference with lawful hunting, fishing or trapping in the first degree is a class A misdemeanor.

578.152. INTERFERENCE WITH LAWFUL HUNTING, FISHING OR TRAPPING IN THE SECOND DEGREE — PENALTY. — 1. [Any person who] **A person commits the offense of interference with hunting, fishing, or trapping in the second degree if he or she** enters or remains in a hunting, fishing or trapping area where lawful hunting, fishing or trapping may occur with the intent to interfere with the lawful taking of wildlife [is guilty of the crime of interference with lawful hunting, fishing or trapping in the second degree].

2. **The offense of** interference with lawful hunting, fishing, or trapping in the second degree is a class B misdemeanor.

578.153. PEACE OFFICER'S AND CONSERVATION AGENT'S POWERS TO ENFORCE — FAILURE TO OBEY PEACE OFFICER OR CONSERVATION AGENT, PENALTY. — 1. A peace officer as defined by chapter 590 who reasonably believes that a person has violated section 578.151 or 578.152 may order the person to desist. **The offense of** failure to obey the order of a peace officer to desist from conduct in violation of sections 578.151 and 578.152 [shall be] is a class A misdemeanor.

2. Any law enforcement officer shall and any agent of the conservation commission may enforce the provisions of sections 578.151, 578.152 and this section and arrest violators of such sections.

3. The conduct declared unlawful by sections 578.151 and 578.152 shall not include any lawful activity by the landowner or persons in lawful possession of the land.

578.173. BAITING OR FIGHTING ANIMALS —PENALTY. — [Baiting or fighting animals —penalty.]

1. [Any person who commits any of the following acts is guilty of a class D felony] **A person commits the offense of baiting or fighting animals if he or she:**

- (1) [Baiting or fighting] **Baits or fights** animals;
- (2) [Permitting] **Permits** baiting or animal fighting to be done on any premises under his or her charge or control;
- (3) [Promoting, conducting, or staging] **Promotes, conducts, or stages** a baiting or fight between two or more animals;
- (4) [Advertising] **Advertises** a baiting or fight between two or more animals;
- (5) [Collecting] **Collects** any admission fee for a baiting or fight between two or more animals.

2. Any person who commits any of the following acts is guilty of a class A misdemeanor:

- (1) ;
- (6) Knowingly [attending] **attends** the baiting or fighting of animals;
- (2) (7) Knowingly [selling, offering for sale, shipping, or transporting] **sells, offers for sale, ships, or transports** any animal which has been bred or trained to bait or fight another animal;
- (3) Owning or possessing]
- (8) **Owens or possesses** any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock; or
- (4) Manufacturing, selling, bartering or exchanging]
- (9) **Manufactures, sells, barters, or exchanges** any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock.

2. The offense of baiting or fighting animals is a class E felony.

578.176. BEAR WRESTLING —PENALTY. — [Bear wrestling — penalty. Any person who commits any of the following acts is guilty of a class A misdemeanor] **1. A person commits the offense of bear wrestling if he or she:**

- (1) **Wrestles** a bear [wrestling];
- (2) [Permitting] **Permits** bear wrestling to be done on any premises under his or her charge or control;
- (3) [Promoting, conducting, or staging] **Promotes, conducts, or stages** bear wrestling;
- (4) [Advertising] **Advertises** bear wrestling;
- (5) [Collecting] **Collects** any admission fee for bear wrestling;
- (6) [Purchasing, selling, or possessing] **Purchases, sells, or possesses** a bear which he or she knows will be used for bear wrestling;
- (7) [Training] **Trains** a bear for bear wrestling;
- (8) [Subjecting] **Subjects** a bear to surgical alteration for bear wrestling.

2. The offense of bear wrestling is a class A misdemeanor.

578.350. MEDICAL DECEPTION —PENALTY —IMMUNITY, WHEN. — 1. [Any] **A person licensed under chapter 334 or 335 who treats a person for a wound inflicted by gunshot [shall] commits the infraction of medical deception if he or she knowingly fails to immediately report to a local law enforcement official the name and address of the person, if known, and if unknown, a description of the person, together with an explanation of the nature of the wound and the circumstances under which the treatment was rendered.**

2. [Any person licensed under chapter 334 or 335 who knowingly fails to report the injuries described in this section is guilty of the offense of medical deception.

3. Medical deception is an infraction.] **A person licensed under chapter 334 or 335 who, in good faith, makes a report under this section shall have immunity from civil liability**

that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of section 491.060, the existence of a physician-patient relationship shall not prevent a physician from submitting the report required in this section, or testifying regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible.

578.365. HAZING — CONSENT NOT A DEFENSE — PENALTIES. — 1. A person commits the [crime] offense of hazing if he or she knowingly participates in or causes [hazing, as it is defined in section 578.360.

2. Hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class C felony] **a willful act, occurring on or off the campus of a public or private college or university, directed against a student or a prospective member of an organization operating under the sanction of a public or private college or university, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing include:**

(1) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or forced smoking or chewing of tobacco products;

(2) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or

(3) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.

2. **Public or private colleges or universities in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.**

3. Nothing in [sections 578.360 to 578.365] **this section** shall be interpreted as creating a new private cause of action against any educational institution.

4. Consent is not a defense to hazing. Section [565.080] **565.010** does not apply to hazing cases or to homicide cases arising out of hazing activity.

5. **The offense of hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class D felony.**

578.398. SPORTS BRIBERY, FIRST DEGREE, PENALTY. — 1. A person commits the offense of sports bribery in the first degree if he or she gives, promises or offers any benefit to any participant or prospective participant in any sport or game with the purpose to influence him or her to lose or try to lose or cause to be lost or to limit the margin of victory in any sport or game in which the participant is taking part, or expects to take part, or has any duty or connection therewith.

2. **The offense of sports bribery in the first degree is a class D felony.**

578.399. SPORTS BRIBERY, SECOND DEGREE, PENALTY. — 1. A person commits the offense of sports bribery in the second degree if he or she, being a participant or prospective participant in any sport or game, accepts, attempts to obtain, or solicits any benefit in exchange for losing or trying to lose or causing to be lost or limiting the margin of victory in any sport or game in which the participant is taking part, or expects to take part, or has any duty or connection therewith.

2. The offense of sports bribery in the second degree is a class A misdemeanor.

578.405. PROHIBITED ACTS AGAINST ANIMAL RESEARCH AND PRODUCTION FACILITIES — DEFINITIONS — PENALTIES. — 1. [Sections 578.405 to 578.412] **This section** shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

2. As used in [sections 578.405 to 578.412] **this section**, the following terms mean:

(1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

(2) "Animal facility", any facility engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility and the offices and vehicles of any such persons while engaged in duties related to the animal facility, and any premises where animals are located[;

(3) "Director", the director of the department of agriculture[.

[578.407. PROHIBITED ACTIONS AGAINST ANIMALS, FACILITIES, EQUIPMENT AND RECORDS. — No person shall] 3. A person commits the offense of prohibited acts against animal research and production facilities if he or she:

(1) [Release, steal] **Releases, steals**, or otherwise intentionally [cause] **causes** the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on an animal facility;

(3) [Obtain] **Obtains** access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) [Enter] **Enters** or otherwise [interfere] **interferes** with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly [obtain] **obtains**, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals; **or**

(6) [Enter or remain] **Enters or remains** on an animal facility with the intent to commit an act prohibited by this section.

4. The offense of prohibited acts against animal research and production facilities is a class A misdemeanor unless:

(1) **The loss or damage to the animal facility is seven hundred fifty dollars or more, in which case it is a class E felony;**

(2) **The loss or damage to the animal facility is one thousand dollars or more, in which case it is a class D felony;**

(3) **The loss or damage to the animal facility is twenty-five thousand dollars or more, in which case it is a class C felony; or**

(4) **The loss or damage to the animal facility is seventy-five thousand dollars or more, in which case it is a class B felony.**

5. Any person who intentionally agrees with another person to violate this section and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 4 of this section.

6. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or

cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of this section.

7. Any person found guilty of a violation of this section shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 6 of this section.

8. Any person who has been damaged by a violation of this section may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

9. Nothing in this section shall preclude any animal facility injured in its business or property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates this section. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating this section and the court shall provide such relief.

10. The director of the department of agriculture may promulgate rules and regulations necessary for the enforcement of this section. The director shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

578.421. DEFINITIONS. — As used in sections 578.421 to 578.437, the following terms mean:

(1) "Criminal street gang", any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in subdivision (2) of this section, which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;

(2) "Pattern of criminal street gang activity", the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons:

(a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and [565.060] **565.052**;

(b) Robbery, arson and those offenses under chapter 569 which are related to robbery and arson;

(c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

(d) Any violation of the provisions of chapter [195] **579** which involves the distribution, delivery or manufacture of a substance prohibited by chapter [195] **579**;

(e) Unlawful use of a weapon which is a felony pursuant to section 571.030; **or**

(f) Tampering with witnesses and victims, as provided in section 575.270.

578.425. FELONY OR MISDEMEANORS COMMITTED TO PROMOTE OR ASSIST CRIMINAL CONDUCT BY GANG MEMBERS, PUNISHMENT IN ADDITION TO REGULAR SENTENCES. — Any person who is convicted of a felony or a misdemeanor which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished in the following manner:

(1) Any person who violates this section in the commission of a misdemeanor shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years;

(2) Any person who violates this section in the commission of a felony shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of one, two, or three years at the court's discretion. If the underlying felony is committed on the grounds of, or within one thousand feet of a public or private elementary, vocational, junior high or high school, the additional term shall be two, three, or four years, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of sentencing;

(3) Any person who violates this section in the commission of a felony punishable by death or imprisonment for life shall not be paroled until a minimum of fifteen calendar years have been served in the custody of the department of corrections.

578.430. BUILDINGS, ROOMS AND STRUCTURES USED FOR CRIMINAL STREET GANGS' ACTIVITIES DEEMED PUBLIC NUISANCES — OWNER KNOWING OF GANG USE, COURT MAY ORDER NO OCCUPANCY UP TO ONE YEAR — PENALTY. — 1. Any room, building, structure or inhabitable structure as defined in section [569.010] **556.061** which is used by a criminal street gang in a pattern of criminal street gang activity shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for criminal street gangs in a pattern of criminal street gang activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, offenders or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance.

In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant, of the room, building, structure, or inhabitable structure with the crime of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance is a class D felony.

578.437. WEAPON NOT TO BE DECLARED A NUISANCE UNLESS NOTICE GIVEN TO LAWFUL OWNER, PROCEDURE — BURDEN OF PROOF ON STATE THAT RETURN OF WEAPON WOULD ENDANGER LIVES. — No weapon shall be declared a nuisance pursuant to section 578.435 and this section unless reasonable notice has been given to the lawful owner thereof, if his or her identity and address can be reasonably ascertained. The law enforcement agency shall inform the lawful owner at that person's last known address by registered mail that the owner of the weapon has thirty days from the date of receipt of the notice to respond to the clerk of the court to confirm his or her desire for a hearing, and that the failure to respond shall result in a

default order and thereupon such weapon shall be declared a nuisance. If the person requests a hearing the court shall set a hearing no later than sixty days from the receipt of such request, and shall notify the person, the law enforcement agency involved, and the prosecuting attorney of the date, time, and place of the hearing. At such hearing the burden of proof shall be upon the state to show by a preponderance of the evidence that the seized item has been or will be used in criminal street gang activity, or that the return of the weapon would likely result in the endangering of the lives of others.

[566.221.] 578.475. INTERNATIONAL MARRIAGE BROKERS, NOTICE TO RECRUITS — CRIMINAL HISTORY RECORD AND MARITAL HISTORY RECORD TO BE DISSEMINATED — CLIENT REQUIREMENTS — VIOLATIONS, PENALTY. — 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

- (1) Obtain a copy of his or her own criminal history record information;
- (2) Provide the criminal history record information to the international marriage broker; and
- (3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who [pleads guilty to or] is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class [D] E felony to willfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class [D] E felony.

10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization.

578.520. UNLAWFUL FISHING, HUNTING, OR TRAPPING ON PRIVATE LAND — AFFIRMATIVE DEFENSE — PENALTY. — 1. [No person shall fish, hunt, or trap] **A person commits the offense of unlawful fishing, hunting, or trapping on private land if he or she fishes, hunts, or traps** upon or [retrieve] **retrieves** wildlife from any private land that is not owned or in the possession of such person without permission from the owner or lessee of such land.

2. [Any person who violates the provisions of this section is guilty of a class B misdemeanor.

3.] Any person who knowingly enters or remains on private property for the purpose of hunting, fishing, trapping, or retrieving wildlife in violation of subsection 1 of this section may, in addition to the penalty in subsection [2] 4 of this section, be required by the court to surrender and deliver any license or permit issued by the department of conservation to hunt, fish, or trap. The court shall notify the conservation commission of any conviction under this section and request the commission take necessary action to revoke all privileges to hunt, fish, or trap for at least one year from the date of conviction.

3. It shall be an affirmative defense to prosecution for a violation of this section that the premises were at the time open to members of the public and the person complied with all lawful conditions imposed concerning access to or the privilege of remaining on the premises.

4. The offense of unlawful fishing, hunting, or trapping on private land is a class B misdemeanor.

578.525. UNLAWFUL RETRIEVAL OF LARGE OR SMALL GAME — AFFIRMATIVE DEFENSE — PENALTY. — 1. [No person shall] **A person commits the offense of unlawful retrieval of large or small game if he or she**, while engaged in the retrieval of wildlife from private land that is not owned or in the possession of such person with permission of the landowner or lessee of the land:

(1) Intentionally [drive or flush] **drives or flushes** any large or small game located on the land toward other hunters of the retriever's same hunting group located on other parcels of land or right-of-ways; or

(2) Intentionally [discharge] **discharges** a firearm at large or small game that originates from the private land during retrieval.

2. [Unlawful retrieval of large or small game is a class B misdemeanor.] **It shall be an affirmative defense to prosecution for a violation of this section that the premises were at the time open to members of the public and the person complied with all lawful conditions imposed concerning access to or the privilege of remaining on the premises.**

3. The offense of unlawful retrieval of large or small game is a class B misdemeanor.

578.614. VIOLATIONS, PENALTY — EXCEPTIONS. — 1. Subject to subsection 2 of this section, any person who violates sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a permit as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore except to the care, custody, and control of another person is guilty of a class [D] **E** felony. In addition, a person who violates sections 578.600 to 578.624 may be punished by one or more of the following:

(1) Community service work for not more than five hundred hours;

(2) The loss of privileges to own or possess any animal.

2. Subsection 1 of this section does not apply to a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee with respect to the performance of the duties of a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee under sections 578.600 to 578.624.

[195.202.] 579.015. POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE — PENALTY. — 1. [Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance] **A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.**

2. [Any person who violates this section with respect to] **The offense of possession of** any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is [guilty of a class C] **a class D felony.**

3. [Any person who violates this section with respect to not more than thirty-five grams] **The offense of possession of more than ten grams but less than thirty-six grams of** marijuana or any synthetic cannabinoid is [guilty of] a class A misdemeanor.

4. **The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.**

5. **In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.**

[195.212.] 579.020. DELIVERY OF A CONTROLLED SUBSTANCE — PENALTIES. — 1. A person commits the offense of [unlawful distribution of a controlled substance to a minor if he violates section 195.211 by distributing or delivering any controlled substance to a person under seventeen years of age who is at least two years that person's junior.

2. Unlawful distribution of a controlled substance to a minor is a class B felony.

3. It is not a defense to a violation of this section that the defendant did not know the age of the person to whom he was distributing or delivering.] **delivery of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:**

(1) **Knowingly distributes or delivers a controlled substance;**

(2) **Attempts to distribute or deliver a controlled substance;**

(3) **Knowingly possesses a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or**

(4) **Knowingly permits a minor to purchase or transport illegally obtained controlled substances.**

2. **Except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of delivery of a controlled substance is a class C felony.**

3. **Except as otherwise provided under subsection 4 of this section, the offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.**

4. **The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid to a person less than seventeen years of age who is at least two years younger than the defendant is a class C felony.**

5. **The offense of delivery of a controlled substance is a class B felony if:**

(1) **The delivery or distribution is any amount of a controlled substance except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age who is at least two years younger than the defendant; or**

(2) **The person knowingly permits a minor to purchase or transport illegally obtained controlled substances.**

[195.218.] 579.030. DISTRIBUTION OF CONTROLLED SUBSTANCE IN A PROTECTED LOCATION — PENALTY. — 1. A person commits the offense of distribution of a controlled substance [near public housing or other governmental assisted housing if he violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on,

or within one thousand feet of the real property comprising public housing or other governmental assisted housing.

2. Distribution of a controlled substance near public housing or other governmental assisted housing is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender] **in a protected location if he or she knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person with knowledge that that distribution, delivery or sale is:**

(1) **In, on, or within two thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus; or**

(2) **In, on, or within one thousand feet of, the real property comprising a public park, state park, county park, municipal park, or private park designed for public recreational purposes, as park is defined in section 253.010; or**

(3) **In or on the real property comprising public housing or other governmental assisted housing.**

2. **The offense of unlawful distribution of a controlled substance in a protected location is a class A felony.**

579.040. UNLAWFUL DISTRIBUTION, DELIVERY, OR SALE OF DRUG PARAPHERNALIA — PENALTIES. — 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter.

2. **The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.**

[195.204.] 579.045. FRAUDULENTLY ATTEMPTING TO OBTAIN A CONTROLLED SUBSTANCE — PENALTY. — 1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he or she knowingly obtains or attempts to obtain a controlled substance, or knowingly procures or attempts to procure [the] an administration of the controlled substance by fraud[, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address]. The [crime] offense of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:

(1) **Knowingly making a false statement in any prescription, order, report, or record, required by [sections 195.005 to 195.425] this chapter or chapter 195;**

(2) **For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian, nurse, or other authorized person;**

(3) **Making or uttering any false or forged prescription or false or forged written order;**

(4) **Affixing any false or forged label to a package or receptacle containing controlled substances;**

(5) **Possess a false or forged prescription with intent to obtain a controlled substance.**

2. **The offense of fraudulently attempting to obtain a controlled substance is a class [D] E felony.**

3. **Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug [shall not be] is not**

deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he **or she** may have acquired from any patient while attending him **or her** in a professional character and which information was necessary to enable him **or her** to prescribe for such patient as a physician, or to perform any act for him **or her** as a surgeon.

[4. The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 195.080, in the same way as they apply to transactions under all other sections.]

579.050. MANUFACTURE OF AN IMITATION CONTROLLED SUBSTANCE —PENALTY. —

1. A person commits the offense of manufacture of an imitation controlled substance if he or she knowingly manufactures with intent to deliver any imitation controlled substance.

2. The offense of manufacture of an imitation controlled substance is a class E felony.

[195.211.] 579.055. MANUFACTURE OF A CONTROLLED SUBSTANCE —PENALTIES. —

1. [Except as authorized by sections 195.005 to 195.425 and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance] **A person commits the offense of manufacture of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:**

(1) Knowingly manufactures, produces, or grows a controlled substance;

(2) Attempts to manufacture, produce, or grow a controlled substance; or

(3) Knowingly possesses a controlled substance with the intent to manufacture, produce, or grow any amount of controlled substance.

2. [Any person who violates or attempts to violate this section with respect to manufacturing or production of a controlled substance of any amount except for five grams or less of marijuana in a residence where a child resides or] **The offense of manufacturing or attempting to manufacture any amount of controlled substance is a class B felony when committed within two thousand feet of the real property comprising a [public or private elementary or] public or private elementary, vocational, or secondary school, [public vocational school or a public or private] community college, college, or university[, or any school bus is guilty of]. It is a class A felony if a person has suffered serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine.**

3. [Any person who violates or attempts to violate this section with respect to any] **The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except [five] thirty-five grams or less of marijuana or synthetic cannabinoid is [guilty of] a class [B] C felony.**

4. [Any person who violates this section with respect to distributing or delivering not more than five grams of marijuana is guilty of a class C felony] **The offense of manufacturing thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.**

579.060. UNLAWFUL SALE, DISTRIBUTION, OR PURCHASE OF OVER-THE-COUNTER METHAMPHETAMINE PRECURSOR DRUGS —VIOLATION, PENALTY. — 1. A person commits the offense of unlawful sale or distribution of over-the-counter methamphetamine precursor drugs if he or she:

(1) Knowingly sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts

of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Knowingly dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

(3) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale or distribution of over-the-counter methamphetamine precursor drugs if he or she:

(1) Knowingly sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Knowingly fails to submit information under subsection 13 of section 195.017 and subsection 5 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Knowingly fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Knowingly sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale or distribution of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.

[195.222.] 579.065. TRAFFICKING DRUGS, FIRST DEGREE — PENALTY. — 1. A person commits the [crime] offense of trafficking drugs in the first degree if, except as authorized by [sections 195.005 to 195.425, he] **this chapter or chapter 195, such person knowingly** distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce [more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

2. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

3. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than eight grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than eight grams but less than twenty-four grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is twenty-four grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

4. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one gram or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

5. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

6. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is twelve grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

7. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

8. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

9. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.] :

(1) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams but less than four hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams but less than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams but less than one gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams but less than twelve grams of phencyclidine;

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers;

phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(10) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(11) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests.

[195.223.] 579.068. **TRAFFICKING DRUGS, SECOND DEGREE — PENALTY.** — 1. A person commits the [crime] offense of trafficking drugs in the second degree if, except as authorized by [sections 195.005 to 195.425, he] **this chapter or chapter 195, such person knowingly** possesses or has under his or her control, purchases or attempts to purchase, or brings into this state [more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than eight grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than eight grams but less than twenty-four grams the person shall be guilty of a class B felony;

(2) If the quantity involved is twenty-four grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be guilty of a class B felony;

(2) If the quantity involved is one gram or more the person shall be guilty of a class A felony.

5. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

6. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be guilty of a class B felony;

(2) If the quantity involved is twelve grams or more the person shall be guilty of a class A felony.

7. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be guilty of a class B felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be guilty of a class A felony.

8. A person commits the class A felony of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred marijuana plants.

9. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

10. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,

purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.]

:

(1) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams but less than four hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams but less than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams but less than one gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams but less than twelve grams of phencyclidine;

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) More than five hundred marijuana plants; or

(9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(10) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

[565.065.] 579.070. CREATING A DANGER — PENALTY. — 1. A person commits the [crime] offense of [unlawful endangerment of another] **creating a danger** if, while [engaged in or as a part of the enterprise for the production of] **producing, or attempting to produce**, a controlled substance, he **or she purposely** protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting, or using any device or weapon which causes or is intended to cause physical injury to another person.

2. [Unlawful endangerment of another] **The offense of creating a danger** is a class C felony.

[195.226.] 579.072. FURNISHING MATERIALS FOR PRODUCTION OF A CONTROLLED SUBSTANCE — PENALTY. — 1. [No] A person [shall provide] **commits the offense of furnishing materials for the production of a controlled substance if he or she provides** any reagents, solvents or precursor materials used in the production of a controlled substance as defined in section 195.010 to any other person knowing that the person to whom such materials are provided intends to use such materials for the illegal production of a controlled substance.

2. [Any person who violates the provisions of subsection 1 of this section is guilty of a class D felony] **The offense of furnishing materials for the production of a controlled substance is a class E felony.**

[195.233.] 579.074. UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA — PENALTY. —

1. [It is unlawful for any person to use, or to possess] **A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses** with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of [sections 195.005 to 195.425] **this chapter or chapter 195.**

2. [A person who violates this section is guilty of a class A misdemeanor, unless the person uses, or possesses with intent to use, the paraphernalia in combination with each other to

manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues] **The offense of unlawful possession of drug paraphernalia is a class D misdemeanor, unless the person has previously been found guilty of any offense of the laws of this state related to controlled substances or of the laws of another jurisdiction related to controlled substances, in which case the violation of this section is a class [D felony.] A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.**

3. The offense of unlawful possession of drug paraphernalia is a class E felony if the person uses, or possesses with intent to use, the paraphernalia in combination with each other to manufacture, compound, produce, prepare, test, or analyze amphetamine or methamphetamine or any of their analogues.

[195.235.] 579.076. UNLAWFUL MANUFACTURE OF DRUG PARAPHERNALIA — PENALTIES. — 1. [It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver,] A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of [sections 195.005 to 195.425] **this chapter or chapter 195.**

2. [Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.] The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

[195.241.] 579.078. POSSESSION OF AN IMITATION CONTROLLED SUBSTANCE — PENALTY. — 1. [It is unlawful for any person to possess an imitation controlled substance in violation of this chapter.] A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses an imitation controlled substance.

2. [A person who violates this section is guilty of] The offense of possession of an imitation controlled substance is a class A misdemeanor.

[195.242.] 579.080. DELIVERY OF AN IMITATION CONTROLLED SUBSTANCE — PENALTY. — 1. [It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or cause] A person commits the offense of delivery of an imitation controlled substance if he or she knowingly delivers, possesses with intent to deliver, or causes to be delivered any imitation controlled substance.

2. [A person who violates this section is guilty of a class D felony.] The offense of delivery of an imitation controlled substance is a class E felony.

[195.248.] 579.082. MARKETING OF EPHEDRINE OR PSEUDOEPHEDRINE — PENALTY. — 1. [It is unlawful for any person to market, sell, distribute, advertise or label] A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved [pursuant to] **under the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.**

2. [A person who violates this section is guilty of a class D] **The offense of unlawful marketing of ephedrine or pseudoephedrine is a class E felony.**

[195.252.] 579.084. DISTRIBUTION OF CONTROLLED SUBSTANCE IN VIOLATION OF REGISTRATION REQUIREMENTS—PENALTY. — 1. [It is unlawful for any] A person **commits the offense of distribution of a controlled substance in violation of registration requirements if he or she:**

(1) [Who] Is subject to the provisions of sections 195.005 to 195.198 [to distribute or dispense] , **and knowingly distributes or dispenses** a controlled substance in violation of section 195.030;

(2) [Who] Is a registrant, [to manufacture a controlled substance not authorized by that person's registration, or to distribute or dispense] **and knowingly distributes or dispenses** a controlled substance not authorized by that person's registration to another registrant or other authorized person; **or**

(3) [To refuse or fail] **Knowingly refuses or fails** to make, keep or furnish any record, notification, order form, statement, invoice or information required under section 195.050.

2. [Any person who violates subdivision (1) of subsection 1 of this section or subdivision (2) of subsection 1 of this section is guilty of a class D felony.] **The offense of distribution of a controlled substance in violation of registration requirements is a class E felony when the offense is a violation of subdivision (1) or (2) of subsection 1 of this section.**

3. [Any person who violates subdivision (3) of subsection 1 of this section is guilty of a class A misdemeanor.] **The offense of distribution of a controlled substance in violation of registration requirements is a class A misdemeanor when the offense is a violation of subdivision (3) of subsection 1 of this section.**

[195.254.] 579.086. UNLAWFUL DELIVERY OF A CONTROLLED SUBSTANCE BY MANUFACTURER OR DISTRIBUTOR—PENALTY. — 1. [It is unlawful for any] A manufacturer or distributor [or agent] , or **an** employee of a manufacturer or distributor, [having reasonable cause to believe that] **commits the offense of unlawful delivery of a controlled substance when he or she knowingly delivers a controlled substance while acting recklessly as to whether the controlled substance will be used in violation of [sections 195.005 to 195.425 to deliver the controlled substance] this chapter.**

2. [Any person who violates this section is guilty of a class D] **The offense of unlawful delivery of a controlled substance by a manufacturer or distributor is a class E felony.**

[565.350.] 579.090. TAMPERING WITH A PRESCRIPTION OR A DRUG PRESCRIPTION ORDER—PENALTY. — 1. Any pharmacist licensed [pursuant to] **under** chapter 338 commits the [crime] **offense of tampering with a prescription or a prescription drug order as defined in section 338.095 if such person knowingly:**

(1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner; **or**

(2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; **or**

(3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser.

2. **The offense of tampering with a prescription drug order is a class A felony.**

[578.154.] 579.095. POSSESSION OF ANHYDROUS AMMONIA—PENALTY. — 1. A person commits the [crime] **offense of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in a cylinder or other portable**

container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, [which are herein incorporated by reference,] and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.

2. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005).

3. [A violation of this section is a class D] **The offense of possession of anhydrous ammonia in a nonapproved container is a class E felony.**

[578.250.] 579.097. INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED — EXCEPTIONS. — No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

[578.255.] 579.099. INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF CERTAIN SOLVENTS AND OTHER SUBSTANCES, PROHIBITED. — 1. As used in this section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

2. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

- (1) Solvents, particularly toluol;
- (2) Ethyl alcohol;
- (3) Amyl nitrite and its iso-analogues;
- (4) Butyl nitrite and its iso-analogues;
- (5) Cyclohexyl nitrite and its iso-analogues;
- (6) Ethyl nitrite and its iso-analogues;
- (7) Pentyl nitrite and its iso-analogues; and
- (8) Propyl nitrite and its iso-analogues.

3. This section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by section [578.250] **579.097** and this section.

5. No person shall possess or use an alcoholic beverage vaporizer.

6. Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by section 311.020, or nonintoxicating beer[, as defined by section 312.010].

[578.260.] 579.101. POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED — PENALTY. — 1. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of sections [578.250 and 578.255] **579.097 and 579.099.**

2. Any person who violates any provision of sections [578.250 to 578.260] **579.097 to 579.101** is guilty of a class B misdemeanor for the first violation and a class [D] **E** felony for any subsequent violations.

[578.265.] 579.103. SELLING OR TRANSFERRING SOLVENTS TO CAUSE CERTAIN SYMPTOMS, PENALTY — CERTAIN BUSINESSES PROHIBITED FROM SELLING, PENALTY. — 1. [No person shall] **A person commits the offense of selling or transferring solvents to cause certain symptoms if he or she** knowingly and intentionally [sell] **sells** or otherwise [transfer] **transfers** possession of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues to any person for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes.

2. No person who owns or operates any business which receives over fifty percent of its gross annual income from the sale of alcoholic beverages or beer, **or which operates as a venue for live entertainment performance or receives fifty percent of its gross annual income from the sale of recorded video entertainment,** shall sell or offer for sale toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues, or any toxic glue.

3. [No person who owns or operates any business which operates as a venue for live entertainment performance or receives over fifty percent of its gross annual income from the sale of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.

4. Any person who violates the provisions] **Violation** of [subsection 1 or 2 of] this section is [guilty of] a class [C] **D** felony.

[195.130.] 579.105. KEEPING OR MAINTAINING A PUBLIC NUISANCE — VIOLATION, PENALTY.. — 1. [Any room, building, structure or inhabitable structure as defined in section 569.010 which is used for the illegal use, keeping or selling of controlled substances is a "public nuisance". No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for the illegal use, keeping or selling of controlled substances, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance.] **A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:**

(1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or

(2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the [crime] offense of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

3. **The offense of keeping or maintaining a public nuisance is a class E felony.**

[5.] 4. Upon the conviction of the owner pursuant to subsection [4] 2 of this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

[195.180.] **579.107. LAWFUL POSSESSION, WHEN — BURDEN OF PROOF OF ANY EXCEPTION OR EXEMPTION UPON DEFENDANT. —** 1. A person may lawfully possess or have under his or her control a controlled substance if [such person] **he or she** obtained the controlled substance directly from, or pursuant to, a valid prescription or [order of a practitioner while acting] **practitioner's order issued** in the course of a practitioner's professional practice or except as otherwise authorized by [sections 195.005 to 195.425] **this chapter or chapter 195.**

2. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of [sections 195.005 to 195.425] **this chapter or chapter 195**, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in [sections 195.005 to 195.425] **this chapter or chapter 195**, and the burden of proof of any such exception, excuse, proviso or exemption, shall be upon the defendant.

[195.420.] **579.110. POSSESSION OF METHAMPHETAMINE PRECURSORS —PENALTY. —**

1. [It is unlawful for any person to possess] **A person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more** chemicals listed in subsection 2 of section 195.400, [or] reagents, [or] solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony [pursuant to subsection 3 of this section], with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of [sections 195.005 to 195.425] **this chapter or chapter 195.**

2. [A person who violates this section is guilty of a class C felony.] **Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.**

3. [The state may present expert testimony to provide a prima facie case that any chemical, whether or not listed in subsection 2 of section 195.400, is an immediate precursor ingredient for producing methamphetamine or amphetamine.] **The offense of possession of methamphetamine precursors is a class E felony.**

[195.515.] **579.115. COPY OF SUSPICIOUS TRANSACTION REPORT FOR CERTAIN DRUGS TO BE SUBMITTED TO CHIEF LAW ENFORCEMENT OFFICER, WHEN — SUSPICIOUS**

TRANSACTION DEFINED — PENALTY. — 1. Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical isomers and salts of optical isomers, alone or in a mixture, and is required by federal law to report any suspicious transaction to the United States attorney general, shall submit a copy of the report to the chief law enforcement official with jurisdiction before completion of the sale or as soon as practicable thereafter.

2. As used in this section, "suspicious transaction" means any sale or transfer required to be reported pursuant to 21 U.S.C. 830(b)(1).

3. [Any violation of this section shall be a class D felony.] **The offense of failure to report suspicious transactions is a class E felony.**

[577.625.] 579.150. DISTRIBUTION OF PRESCRIPTION MEDICATION ON SCHOOL PROPERTY — EXCEPTIONS — PENALTY. — 1. [No person less than twenty-one years of age shall distribute] **A person commits the offense of distribution of prescription medication on school property if he or she is less than twenty-one years of age and knowingly distributes** upon the real property comprising a public or private elementary or secondary school or school bus a prescription medication to any individual who does not have a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.

2. The provisions of this section shall not apply to any person authorized to distribute a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel[, as defined in section 565.081,] during an emergency situation.

3. [Any person less than twenty-one years of age who violates this section is guilty of] **The offense of distribution of prescription medication on school property is a class B misdemeanor for a first offense and a class A misdemeanor for any second or subsequent offense.**

[577.628.] 579.155. POSSESSION OF PRESCRIPTION MEDICATION ON SCHOOL PROPERTY — EXCEPTIONS — PENALTY. — 1. [No person less than twenty-one years of age shall possess] **A person commits the offense of possession of prescription medication on school property if he or she is less than twenty-one years of age and knowingly possesses** upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.

2. The provisions of this section shall not apply to any person authorized to possess a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel[, as defined in section 565.081,] during an emergency situation.

3. [Any person less than twenty-one years of age who violates the provisions of this section is guilty of] **The offense of possession of prescription medication on school property is a class C misdemeanor for a first offense and a class B misdemeanor for any second or subsequent offense.**

[195.275.] 579.170. PRIOR AND PERSISTENT DRUG OFFENDERS, DEFINITIONS, SENTENCING. — 1. The following words or phrases as used in [sections 195.005 to 195.425] **this chapter** have the following meanings, unless the context otherwise requires:

(1) "Prior drug offender", one who [has previously pleaded guilty to or] has been found guilty of any felony offense of the laws of this state, or of the United States, or any other state, territory or district relating to controlled substances;

(2) "Persistent drug offender", one who [has previously pleaded guilty to or] has been found guilty of two or more felony offenses of the laws of this state or of the United States, or any other state, territory or district relating to controlled substances.

2. Prior [pleas of guilty and prior] findings of [guilty] **guilt** shall be pleaded and proven in the same manner as required by section 558.021.

3. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior drug offenders or persistent drug offenders.

4. [The provisions of sections 195.285 to 195.296 shall not be construed to affect and may be used in addition to the sentencing provisions of sections 558.016 and 558.019.] **The court shall sentence a person who has been found to be a prior drug offender and is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment for an offense one class higher than the offense for which the person was found guilty.**

5. **The court shall sentence a person who has been found to be a persistent drug offender and is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment for an offense two classes higher than the offense for which the person was found guilty. The court shall sentence a persistent drug offender who is found guilty of a class B felony under this chapter to the authorized term of imprisonment for a class A felony offense.**

[195.280.] 579.175. ARREST WITHOUT WARRANT, WHEN. — Any [peace] **law enforcement** officer of the state of Missouri, or of any political subdivision thereof, may, within the boundaries of the political entity from which he **or she** derives his **or her** authority, arrest without a warrant any person he **or she** sees violating or whom he **or she** has probable cause to believe has violated any provision of this chapter.

[195.367.] 579.180. BURDEN OF PROOF OF ANY EXCEPTION OR EXEMPTION UPON DEFENDANT. — **1.** It is not necessary for the state to negate any exemption or exception in [sections 195.005 to 195.425] **this chapter or chapter 195** in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under [sections 195.005 to 195.425] **this chapter or chapter 195**. The burden of producing evidence of any exemption or exception is upon the person claiming it.

2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under chapter 195, the person is presumed not to be the holder of the registration or form. The burden of producing evidence with respect to the registration or order form is upon such person claiming to be the authorized holder of the registration or form.

[195.371.] 579.185. AUTHORIZED STATE, COUNTY OR MUNICIPAL OFFICERS, GOOD FAITH IMMUNITY FROM CRIMINAL LIABILITY. — No criminal liability is imposed by [sections 195.005 to 195.425] **this chapter** upon any authorized state, county, or municipal officer, lawfully engaged in the enforcement of [sections 195.005 to 195.425] **this chapter** in good faith.

589.015. DEFINITIONS. — As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

(a) The acts of rape in the first or second degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, sexual assault, sodomy in the first or second degree, forcible sodomy, sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first, **second, third, or fourth** degree, [child molestation in the second degree,] deviate sexual assault, sexual misconduct [and] , **sexual**

misconduct in the first, second, or third degree, sexual abuse, and sexual abuse in the first or second degree, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

- (b) The act of incest, as this act is defined in section 568.020;
- (c) The act of abuse of a child[, as defined in subdivision (1) of subsection 1 of] **under** section 568.060, which involves sexual contact[, and as defined in subdivision (2) of subsection 1 of section 568.060];
- (d) The act of use of a child in a sexual performance [as defined in section 568.080]; and
- (e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act.

589.400. REGISTRATION OF CERTAIN OFFENDERS WITH CHIEF LAW OFFICERS OF COUNTY OF RESIDENCE — TIME LIMITATION — CITIES MAY REQUEST COPY OF REGISTRATION — FEES — AUTOMATIC REMOVAL FROM REGISTRY — PETITIONS FOR REMOVAL — PROCEDURE, NOTICE, DENIAL OF PETITION — HIGHER EDUCATION STUDENTS AND WORKERS — PERSONS REMOVED. — 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping **or kidnapping in the first degree** when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint **or kidnapping in the second degree** when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home[, under section 565.200] **or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree**; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or

foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

- (1) All offenses requiring registration are reversed, vacated or set aside;
- (2) The registrant is pardoned of the offenses requiring registration;
- (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or
- (4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file

a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

589.425. FAILURE TO REGISTER, PENALTY — SUBSEQUENT VIOLATIONS, PENALTY. —

1. A person commits the crime of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 and fails to comply with any requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class [D] E felony

unless the person is required to register based on having committed an offense in chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class [C] D felony.

2. A person commits the crime of failing to register as a sex offender as a second offense by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a second offense is a class [D] E felony unless the person is required to register based on having committed an offense in chapter 566, or an offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which if committed in this state would be an offense under chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class [C] D felony.

3. (1) A person commits the crime of failing to register as a sex offender as a third offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on two or more occasions, previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a third offense is a felony which shall be punished by a term of imprisonment of not less than ten years and not more than thirty years.

(2) No court may suspend the imposition or execution of sentence of a person who pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No court may sentence such person to pay a fine in lieu of a term of imprisonment.

(3) A person sentenced under this subsection shall not be eligible for conditional release or parole until he or she has served at least two years of imprisonment.

(4) Upon release, an offender who has committed failing to register as a sex offender as a third offense shall be electronically monitored as a mandatory condition of supervision. Electronic monitoring may be based on a global positioning system or any other technology which identifies and records the offender's location at all times.

590.700. DEFINITIONS — RECORDING REQUIRED FOR CERTAIN CRIMES — MAY BE RECORDED, WHEN — WRITTEN POLICY REQUIRED — VIOLATION, PENALTY. — 1. As used in this section, the following terms shall mean:

(1) "Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, **kidnapping in the first degree**, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the state of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.

[566.224.] 595.223. POLYGRAPH TESTS AND PSYCHOLOGICAL STRESS EVALUATOR EXAMS NOT PERMITTED, WHEN. — No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of [rape in the second degree under section 566.031, sexual assault under section 566.040 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, or forcible rape under section 566.030 as it existed prior to August 28, 2013] **an offense under chapter 566, or a victim of an offense of domestic assault or stalking** to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such [crime] **offense**.

[566.226.] 595.226. IDENTIFIABLE INFORMATION IN COURT RECORDS TO BE REDACTED, WHEN — ACCESS TO INFORMATION PERMITTED, WHEN — DISCLOSURE OF IDENTIFYING INFORMATION REGARDING DEFENDANT, WHEN. — 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of [sexual assault,] **an offense under chapter 566 or a victim of domestic assault[,] or stalking[, rape in the first or second degree, or forcible rape]** shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number, **place of employment**, or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim, **and only after providing reasonable notice to the victim and after allowing the victim the right to respond to such request**.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a [sexual assault,] **case under chapter 566, or a case of domestic assault[,] or stalking[, forcible rape, or rape in the first or second degree case]** shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

[557.041.] 595.229. PLEA BARGAIN, SENTENCING, VICTIM'S RIGHT TO APPEAR OR MAKE STATEMENT — NOTICE TO VICTIM. — 1. Prior to the acceptance of a plea bargain by the court with respect to any person who has pled guilty to an offense after initially being charged with a felony, the court shall allow the victim of such offense to submit a written statement or appear before the court personally or by counsel for the purpose of making a statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant.

2. At the time of sentencing of any person who has pled guilty or been found guilty of a felony offense, the victim of such offense may appear before the court personally or by counsel for the purpose of making a statement or may submit a written statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant.

3. The prosecuting attorney shall inform the victim or shall inform a member of the immediate family of the victim if the victim is dead or otherwise is unable to make a statement as a result of the offense committed by the defendant of the right to make a statement pursuant to subsections 1 and 2 of this section. If the victim or member of the immediate family supplies a stamped, self-addressed envelope, the prosecutor shall send notice of the time and location that the court will hear the guilty plea or render sentence.

[570.222.] 595.232. IDENTITY THEFT — RIGHTS OF VICTIMS — DEFINITION — INCIDENT REPORTS, DISCRETION OF LAW ENFORCEMENT NOT AFFECTED. — 1. Notwithstanding that jurisdiction may lie elsewhere for investigation and prosecution of [a crime] **an offense** of identity theft, victims of identity theft have the right to contact the local law enforcement agency where the victim is domiciled and request that an incident report about the identity theft be prepared and filed. The victim may also request from the local law enforcement agency to receive a copy of the incident report. The law enforcement agency may share the incident report with law enforcement agencies located in other jurisdictions.

2. As used in this section, "incident report" means a loss or other similar report prepared and filed by a local law enforcement agency.

3. Nothing in this section shall interfere with the discretion of a local law enforcement agency to allocate resources for investigations of crimes or to provide an incident report as permitted in this section. An incident report prepared and filed under this section shall not be an open case for purposes of compiling open case statistics.

610.125. FAILURE TO COMPLY WITH EXPUNGEMENT ORDER, PENALTY — KNOWINGLY USING EXPUNGED RECORD FOR GAIN, PENALTY. — 1. A person subject to an order of the court in subsection 4 of section 610.123 who knowingly fails to expunge or obliterate, or releases arrest information which has been ordered expunged pursuant to section 610.123 is guilty of a class B misdemeanor.

2. A person subject to an order of the court in subsection 4 of section 610.123 who, knowing the records have been ordered expunged, uses the arrest information for financial gain is guilty of a class [D] E felony.

[577.054.] 610.130. ALCOHOL-RELATED DRIVING OFFENSES, EXPUNGED FROM RECORDS, WHEN — PROCEDURES, EFFECT — LIMITATIONS — 1. After a period of not less than ten years, an individual who has pleaded guilty or has been convicted for a first [alcohol-related driving] **intoxication-related traffic offense or intoxication-related boating** offense which is a misdemeanor or a county or city ordinance violation and which is not a conviction

for driving a commercial motor vehicle while under the influence of alcohol and who since such date has not been convicted of any [other alcohol-related driving] **intoxication-related traffic offense or intoxication-related boating** offense may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial or conviction.

2. If the court determines, after hearing, that such person has not been convicted of any subsequent [alcohol-related driving] **intoxication-related traffic offense or intoxication-related boating** offense, has no other subsequent alcohol-related enforcement contacts as defined in section 302.525, and has no other [alcohol-related driving charges] **intoxication-related traffic offense or intoxication-related boating offenses** or alcohol-related enforcement actions pending at the time of the hearing on the application, the court shall enter an order of expungement.

3. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement pursuant to this section. Nothing contained in this section shall prevent the director from maintaining such records as to ensure that an individual receives only one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record maintained pursuant to this section.

[2.] 4. The provisions of this section shall not apply to any individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.

630.155. MISTREATMENT OF PATIENT — DEFINED — PENALTY. — 1. A person commits the [crime] **offense** of ["patient, resident or client abuse or neglect["] against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, or any patient, resident or client of any residential facility, day program or specialized service operated, funded or licensed by the department if he knowingly does any of the following:

- (1) Beats, strikes or injures any person, patient, resident or client;
- (2) Mistreats or maltreats, handles or treats any such person, patient, resident or client in a brutal or inhuman manner;
- (3) Uses any more force than is reasonably necessary for the proper control, treatment or management of such person, patient, resident or client;
- (4) Fails to provide services which are reasonable and necessary to maintain the physical and mental health of any person, patient, resident or client when such failure presents either an imminent danger to the health, safety or welfare of the person, patient, resident or client, or a substantial probability that death or serious physical harm will result.

2. Patient, resident or client abuse or neglect is a class A misdemeanor unless committed under subdivision (2) or (4) of subsection 1 of this section in which case such abuse or neglect shall be a class [D] E felony.

[565.216.] **630.161. INVESTIGATION OF REPORTS OF VULNERABLE PERSON ABUSE, WHEN.** — The department of mental health shall investigate incidents and reports of vulnerable person abuse using the procedures established in sections 630.163 to 630.167 and, upon

substantiation of the report of vulnerable person abuse, shall promptly report the incident to the appropriate law enforcement agency and prosecutor. If the department is unable to substantiate whether abuse occurred due to the failure of the operator or any of the operator's agents or employees to cooperate with the investigation, the incident shall be promptly reported to appropriate law enforcement agencies.

630.162. MANDATORY REPORTERS — PREVENTING OR DISCOURAGING REPORTING, PENALTY. — 1. When any physician, physician assistant, dentist, chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed professional counselor, certified substance abuse counselor, psychologist, physical therapist, pharmacist, other health practitioner, minister, Christian Science practitioner, facility administrator, nurse's aide or orderly in a residential facility, day program or specialized service operated, funded or licensed by the department or in a mental health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained under chapter 632; or employee of the departments of social services, mental health, or health and senior services; or home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; mental health professional; peace officer; probation or parole officer; or other nonfamilial person with responsibility for the care of a vulnerable person, as defined by section 630.005, has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances that would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department in accordance with section 630.163. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect may report to the department. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any residential facility, day program or specialized service operated, funded or licensed by the department that prevents or discourages a patient, resident or client, employee or other person from reporting that a patient, resident or client of a facility, program or service has been abused or neglected shall be subject to loss of their license issued under sections 630.705 to 630.760, and civil fines of up to five thousand dollars for each attempt to prevent or discourage reporting.

3. Nothing in this section shall be construed to mean that a vulnerable person is abused or neglected solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by such person's explicit consent, advance directive for health care, or practice.

[565.220.] **630.164. IMMUNITY FROM LIABILITY, WHEN. —** Any person, official or institution complying with the provisions of section [565.218] **630.162**, in the making of a report, or in cooperating with the department in any of its activities pursuant to sections [565.216 and 565.218] **630.161 to 630.167**, except [any] the person, official, or institution [violating section 565.210, 565.212, or 565.214] **accused of abusing or neglecting the vulnerable person** shall be immune from any civil or criminal liability for making such a report, or in cooperating with the department, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

630.165. SUSPECTED ABUSE OF PATIENT, REPORT, BY WHOM MADE, CONTENTS — EFFECT OF FAILURE TO REPORT — PENALTY. — 1. When any physician, physician assistant,

dentist, chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed professional counselor, certified substance abuse counselor, psychologist, other health practitioner, minister, Christian Science practitioner, peace officer, pharmacist, physical therapist, facility administrator, nurse's aide, orderly or any other direct-care staff in a residential facility, day program, group home or developmental disability facility as defined in section 633.005, or specialized service operated, licensed, certified, or funded by the department or in a mental health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained pursuant to chapter 632, or employee of the departments of social services, mental health, or health and senior services; or home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer, long-term care facility administrator or employee; mental health professional, probation or parole officer, or other nonfamilial person with responsibility for the care of a patient, resident, or client of a facility, program, or service has reasonable cause to suspect that a patient, resident or client of a facility, program or service has been subjected to abuse or neglect or observes such person being subjected to conditions or circumstances that would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department in accordance with section 630.163.

2. Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars. Penalties collected for violations of this section shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not considered charitable for tax purposes.

3. Every person who has been previously convicted of or pled guilty to failing to make a report as required in subsection 1 of this section and who is subsequently convicted of failing to make a report under subsection 2 of this section is guilty of a class [D] E felony and shall be subject to a fine up to five thousand dollars. Penalties collected for violation of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not considered charitable for tax purposes.

4. Any person who knowingly files a false report of vulnerable person abuse or neglect is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not considered charitable for tax purposes.

5. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of making a false report under subsection 4 of this section is guilty of a class [D] E felony and shall be subject to a fine up to five thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not considered charitable for tax purposes.

6. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

7. Any residential facility, day program, or specialized service operated, funded, or licensed by the department that prevents or discourages a patient, resident, client, employee, or other person from reporting that a patient, resident, or client of a facility, program, or service has been abused or neglected shall be subject to loss of their license issued pursuant to sections 630.705 to 630.760 and civil fines of up to five thousand dollars for each attempt to prevent or discourage reporting.

632.480. DEFINITIONS. — As used in sections 632.480 to 632.513, the following terms mean:

(1) "Agency with jurisdiction", the department of corrections or the department of mental health;

(2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

(3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;

(4) "Sexually violent offense", the felonies of rape in the first degree, forcible rape, rape, statutory rape in the first degree, sodomy in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first [or] , second, **third, or fourth** degree, sexual abuse, sexual abuse in the first degree, rape in the second degree, sexual assault, sexual assault in the first degree, sodomy in the second degree, deviate sexual assault, deviate sexual assault in the first degree, or the act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to the offenses listed above;

(5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

[195.501.] 650.150. CITATION OF LAW. — Sections [195.501 to 195.511] **650.150 to 650.165** shall be known and may be cited as the "Intergovernmental Drug Laws Enforcement Act".

[195.503.] 650.153. DEFINITIONS. — As used in sections [195.501 to 195.511] **650.150 to 650.165**, the following terms mean:

(1) "Department", the department of public safety;

(2) "Director", the director of the department of public safety;

(3) "Drug laws", all laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, distributing, or use of controlled substances, as defined in section 195.010;

(4) "Multijurisdictional enforcement group", or "MEG", a combination of political subdivisions established under sections 573.500 and 573.503, section 178.653, and section 311.329 to investigate and enforce computer, internet-based, narcotics, and drug violations.

[195.505.] 650.156. FORMATION OF GROUP — POWER OF ARREST — COOPERATION. —

1. Any two or more political subdivisions or the state highway patrol and any one or more political subdivisions may by order or ordinance agree to cooperate with one another in the formation of a multijurisdictional enforcement group for the purpose of intensive professional investigation of computer, internet-based, narcotics and drug law violations.

2. The power of arrest of any peace officer who is duly authorized as a member of a MEG unit shall only be exercised during the time such peace officer is an active member of a MEG unit and only within the scope of the investigation on which the MEG unit is working. Notwithstanding other provisions of law to the contrary, such MEG officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of the municipality in which the arrest is to take place or the sheriff of the

county if the arrest is to be made in his venue. If exigent circumstances exist, such arrest may be made; however, notification shall be made to the chief of police or sheriff, as appropriate, as soon as practical. The chief of police or sheriff may elect to work with the MEG unit at his or her option when such MEG is operating within the jurisdiction of such chief of police or sheriff.

[195.507.] 650.159. INTERSTATE MEG AGREEMENTS, POWERS AND IMMUNITIES OF OFFICERS — EFFECTIVE, WHEN. — 1. A county bordering another state may enter into agreement with the political subdivisions in such other state's contiguous county pursuant to section 70.220 to form a multijurisdictional enforcement group for the enforcement of drug and controlled substance laws and work in cooperation pursuant to sections [195.501 to 195.511] **650.150 to 650.165.**

2. Such other state's law enforcement officers may be deputized as officers of the counties of this state participating in an agreement pursuant to subsection 1 of this section, and shall be deemed to have met all requirements of peace officer training and certification pursuant to chapter 590 for the purposes of conducting investigations and making arrests in this state pursuant to the provisions of section [195.505] **650.156**, provided such officers have satisfied the applicable peace officer training and certification standards in force in such other state.

3. Such other state's law enforcement officers shall have the same powers and immunities when working under an agreement pursuant to subsection 1 of this section as if working under an agreement with another political subdivision in Missouri pursuant to section 70.815.

4. A multijurisdictional enforcement group formed pursuant to this section is eligible to receive state grants to help defray the costs of its operation pursuant to the terms of section [195.509] **650.161.**

5. The provisions of subsections 2, 3, and 4 of this section shall not be in force unless such other state has provided or shall provide legal authority for its political subdivisions to enter into such agreements and to extend reciprocal powers and privileges to the law enforcement officers of this state working pursuant to such agreements.

[195.509.] 650.161. ELIGIBILITY FOR STATE GRANTS — DEPARTMENT OF PUBLIC SAFETY TO MONITOR UNITS. — 1. A multijurisdictional enforcement group which meets the minimum criteria established in this section is eligible to receive state grants to help defray the costs of operation.

2. To be eligible for state grants, a MEG shall:

(1) Be established and operating pursuant to intergovernmental contracts written and executed in conformity by law, and involve two or more units of local government;

(2) Establish a MEG policy board composed of an elected official, or his designee, and the chief law enforcement officer from each participating unit of local government and a representative of a hazardous materials response team or, if such team is not formed, then a representative of the local fire response agency, to oversee the operations of the MEG and make such reports to the department of public safety as the department may require;

(3) Designate a single appropriate official of a participating unit of local government to act as the financial officer of the MEG for all participating units of the local government and to receive funds for the operation of the MEG;

(4) Limit its target operation to enforcement of drug laws;

(5) Cooperate with the department of public safety in order to assure compliance with sections [195.501 to 195.511] **650.150 to 650.165** and to enable the department to fulfill its duties under sections [195.501 to 195.511] **650.150 to 650.165** and supply the department with all information the department deems necessary therefor;

(6) Cooperate with the local hazardous material response team to establish a local emergency response strategy.

3. The department of public safety shall monitor the operations of all MEG units which receive state grants. From the moneys appropriated annually, if funds are made available by the

general assembly for this purpose, the director shall determine and certify to the auditor the amount of the grant to be made to each designated MEG financial officer. No provision of this section shall prohibit funding of multijurisdictional enforcement groups by sources other than those provided by the general assembly, if such funding is in accordance with and in such a manner as provided by law.

[195.511.] 650.165. REPORT REQUIRED, WHEN. — The director shall report annually, no later than January first of each year, to the governor and the general assembly on the operations of the multijurisdictional enforcement groups, including a breakdown of the appropriation for the current fiscal year indicating the amount of the state grant each MEG received or will receive.

[578.390.] 660.360. WELFARE FRAUD TELEPHONE HOT LINE, ATTORNEY GENERAL, DUTIES. — The department of social services shall establish and maintain a statewide toll-free telephone service which shall be operated eight hours per day during the work week to receive complaints of [a] suspected public assistance fraud. This service shall receive reports over a single statewide toll-free number.

701.320. VIOLATIONS, PENALTY. — 1. Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, project designer, or lead abatement contractor who engages in a lead abatement project while such person's license, issued under section 701.312, is under suspension or revocation is guilty of a class [D] E felony.

[130.031. RESTRICTIONS AND LIMITATIONS ON CONTRIBUTIONS — RECORDS REQUIRED — ANONYMOUS CONTRIBUTIONS, HOW HANDLED — CAMPAIGN MATERIALS, SPONSOR TO BE IDENTIFIED — PRIZES PROHIBITED. — 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a political action committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's

own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and

an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall

accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

13. Political action committees shall only receive contributions from individuals; unions; federal political action committees; and corporations, associations, and partnerships formed under chapters 347 to 360, and shall be prohibited from receiving contributions from other political action committees, candidate committees, political party committees, campaign committees, exploratory committees, or debt service committees. However, candidate committees, political party committees, campaign committees, exploratory committees, and debt service committees shall be allowed to return contributions to a donor political action committee that is the origin of the contribution.

14. The prohibited committee transfers described in subsection 13 of this section shall not apply to the following committees:

(1) The state house committee per political party designated by the respective majority or minority floor leader of the house of representatives or the chair of the state party if the party does not have majority or minority party status;

(2) The state senate committee per political party designated by the respective majority or minority floor leader of the senate or the chair of the state party if the party does not have majority or minority party status.

15. No person shall transfer anything of value to any committee with the intent to conceal, from the ethics commission, the identity of the actual source. Any violation of this subsection shall be punishable as follows:

(1) For the first violation, the ethics commission shall notify such person that the transfer to the committee is prohibited under this section within five days of determining that the transfer is prohibited, and that such person shall notify the committee to which the funds were transferred that the funds must be returned within ten days of such notification;

(2) For the second violation, the person transferring the funds shall be guilty of a class C misdemeanor;

(3) For the third and subsequent violations, the person transferring the funds shall be guilty of a class D felony.

16. Beginning January 1, 2011, all committees required to file campaign financial disclosure reports with the Missouri ethics commission shall file any required disclosure report in an electronic format as prescribed by the ethics commission.]

[195.025. CERTAIN USE OF VESSELS, VEHICLES AND AIRCRAFT PROHIBITED.

— 1. No person shall:

(1) Transport, carry, and convey any controlled substance by means of any vessel, vehicle, or aircraft, except as authorized in sections 195.010 to 195.320;

(2) Conceal or possess any controlled substance in or upon any vessel, vehicle or aircraft; or

(3) Use any vessel, vehicle, or aircraft to facilitate the transportation, carriage, conveyance, concealment, receive possession, purchase, sell, barter, exchange or giving away of any controlled substance.

2. When used in this section the term:

(1) "Aircraft" includes every description of craft or carriage or other contrivance used or capable of being used as a means of transportation through air;

(2) "Vehicle" includes every description of carriage or other contrivance used or capable of being used as a means of transportation, on, below, or above the land, and shall include but not be limited to automobiles, trucks, station wagons, trailers and motorcycles, but does not include aircraft;

(3) "Vessel" includes every description of water craft or other contrivance used or capable of being used as a means of transportation in water, but does not include aircraft.]

[195.110. USER OF CONTROLLED SUBSTANCE TO KEEP IT IN CONTAINER IN WHICH OBTAINED. — A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or pharmacist, or other person authorized under the provisions of section 195.050 and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.]

[195.135. SEARCH WARRANTS, HOW OBTAINED — SEIZURE IN CONNECTION WITH ARREST. — 1. A search warrant may issue, and execution and seizure may be had, as provided in the rules of criminal procedure for the courts of Missouri, for any controlled substance or imitation controlled substance unlawfully in the possession or under the control of any person, or for any drug paraphernalia for the unauthorized administration or use of controlled substances or imitation controlled substances in the possession or under the control of any person.

2. Any peace officer of the state, upon making an arrest for a violation of this chapter, shall seize without warrant any controlled substance or imitation controlled substance or drug paraphernalia kept for the unauthorized administration or use of a controlled substance or imitation controlled substance in the possession or under the control of the person or persons arrested, providing such seizure shall be made incident to the arrest.]

[195.213. UNLAWFUL PURCHASE OR TRANSPORT WITH A MINOR, PENALTY. —

1. A person commits the crime of unlawful purchase or transport of a controlled substance with a minor if he knowingly permits a minor child to purchase or transport illegally obtained controlled substances.

2. Unlawful purchase or transport of a controlled substance with a minor is a class B felony.]

[195.214. DISTRIBUTION OF A CONTROLLED SUBSTANCE NEAR SCHOOLS, PENALTY. — 1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully

distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private community college, college or university or on any school bus.

2. Distribution of a controlled substance near schools is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.]

[195.217. CRIME OF DISTRIBUTION OF A CONTROLLED SUBSTANCE NEAR A PARK, PENALTY. — 1. A person commits the offense of distribution of a controlled substance near a park if such person violates section 195.211 by unlawfully distributing or delivering heroin, cocaine, cocaine base, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, the real property comprising a public park, state park, county park, or municipal park or a public or private park designed for public recreational purposes, as park is defined in section 253.010.

2. Distribution of a controlled substance near a park is a class A felony.]

[195.219. UNLAWFUL ENDANGERMENT OF PROPERTY, PENALTY. — 1. A person commits the crime of unlawful endangerment of property if, while engaged in or as a part of the enterprise for the production of a controlled substance, he protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting or using any device or weapon which causes or is intended to cause damage to the property of, or injury to, another person.

2. Unlawful endangerment of property is a class C felony, unless there is physical injury to a person whereby the offense is a class B felony, or there is serious physical injury to a person whereby the offense is a class A felony.]

[195.246. POSSESSION OF EPHEDRINE, PENALTY — POSSESSION IS PRIMA FACIE EVIDENCE OF INTENT TO VIOLATE SECTION. — 1. It is unlawful for any person to possess any methamphetamine precursor drug with the intent to manufacture amphetamine, methamphetamine or any of their analogs.

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.]

[195.256. TRADEMARK OR TRADE NAME, UNLAWFUL USE OF, PENALTY. — 1. It is unlawful for any person to manufacture, deliver or possess with intent to manufacture or deliver, a controlled substance which, or the container or labeling of which, without authorization and with knowledge of the nature of his actions, bears the trademark, trade name, or other identifying mark, imprint, number or device or any likeness thereof, of a manufacturer, distributor, or dispenser, other than the person who in fact manufactured, distributed, or dispensed the substance.

2. A person who violates this section is guilty of a class D felony.]

[195.285. PRIOR AND PERSISTENT OFFENDERS — POSSESSION, IMPRISONMENT FOR. — 1. Any person who has pleaded guilty to or been found guilty of a violation of subsection 2 of section 195.202 shall be sentenced to the authorized term of imprisonment for a class B felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of subsection 2 of section 195.202 shall be sentenced to the authorized term of imprisonment for a class A felony if it finds the defendant is a persistent drug offender.]

[195.291. PRIOR AND PERSISTENT OFFENDERS IMPRISONMENT FOR DISTRIBUTION, DELIVERY, MANUFACTURE OR PRODUCTION. — 1. Any person who has pleaded guilty to or been found guilty of a violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.]

[195.292. PRIOR DRUG OFFENDERS — UNLAWFUL DISTRIBUTION TO A MINOR OR UNLAWFUL PURCHASE OR TRANSPORT WITH A MINOR — IMPRISONMENT FOR. — Any person who has pleaded guilty to or been found guilty of a violation of section 195.212 or 195.213 shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the defendant is a prior drug offender.]

[195.295. PRIOR AND PERSISTENT OFFENDERS — TRAFFICKING DRUGS, SECOND DEGREE, IMPRISONMENT FOR. — 1. Any person who has pleaded guilty to or been found guilty of violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223, or subdivision (1) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, which term shall be without probation or parole, if the court finds the defendant is a persistent drug offender.

3. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (2) of subsection 1 of section 195.223, subdivision (2) of subsection 2 of section 195.223, subdivision (2) of subsection 3 of section 195.223, subdivision (2) of subsection 4 of section 195.223, subdivision (2) of subsection 5 of section 195.223, subdivision (2) of subsection 6 of section 195.223, or subdivision (2) of subsection 7 of section 195.223 or subsection 8 of section 195.223, or subdivision (2) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, which term shall be served without probation or parole, if the court finds the defendant is a prior drug offender.]

[195.296. PRIOR OFFENDERS — TRAFFICKING DRUGS, FIRST DEGREE, IMPRISONMENT FOR. — Any person who has pleaded guilty to or been found guilty of violation of subdivision (1) of subsection 1 of section 195.222, subdivision (1) of subsection 2 of section 195.222, subdivision (1) of subsection 3 of section 195.222, subdivision (1) of subsection 4 of section 195.222, subdivision (1) of subsection 5 of section 195.222, subdivision (1) of subsection 6 of section 195.222, or subdivision (1) of subsection 7 of section 195.222, or subdivision (1) of subsection 8 of section 195.222 shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the defendant is a prior drug offender.]

[195.369. BURDEN OF PROOF OF REGISTRATION UPON DEFENDANT. — In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under sections 195.005 to 195.425, the person is presumed not to be the holder of the registration or form. The burden of producing evidence with respect to the registration or order form is upon that person.]

[217.360. DELIVERY OR CONCEALMENT OF CONTROLLED SUBSTANCES, LIQUOR OR PROHIBITED ARTICLES ON PREMISES OF ANY CORRECTIONAL CENTER OR CITY, COUNTY OR PRIVATE JAIL, PENALTIES — EXPUNGEMENT OF RECORDS FOR CERTAIN VIOLATIONS, PROCEDURE. — 1. It shall be an offense for any person to knowingly deliver, attempt to deliver, have in his possession, deposit or conceal in or about the premises of any correctional center, or city or county jail, or private prison or jail:

- (1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;
- (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any intoxicating liquor as defined in section 311.020;
- (3) Any article or item of personal property which an offender is prohibited by law or by rule and regulation of the division from receiving or possessing;
- (4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the correctional center, or city or county jail, or private prison or jail or as to endanger the life or limb of any offender or employee of such a center.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class C felony; the violation of subdivision (2) of subsection 1 of this section shall be a class D felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class B felony.

3. Any person who has been found guilty of or has pled guilty to a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in his possession, or depositing or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.]

[306.112. OPERATING VESSEL WITH EXCESSIVE BLOOD ALCOHOL CONTENT — PENALTY. — 1. A person commits the crime of operating a vessel with excessive blood alcohol content if such person operates a vessel on the Mississippi River, Missouri River or the lakes of this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, urine, or saliva.

3. Operating a vessel with excessive blood alcohol content is a class B misdemeanor.]

[306.114. GRANT OF SUSPENDED IMPOSITION OF SENTENCE, REQUIREMENTS — VALIDITY OF CHEMICAL TESTS — RESTRICTIONS UPON WITHDRAWAL OF BLOOD, PROCEDURE, NO CIVIL LIABILITY. —1. No person convicted of or pleading guilty to a violation of section 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.

2. Chemical tests of a person's blood, breath, urine, or saliva to be considered valid under the provisions of sections 306.111 to 306.119 shall be performed according to methods and devices approved by the department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the department of health and senior services for this purpose. In addition, any state, county, or municipal law enforcement officer who is certified pursuant to chapter 590 may, prior to arrest, administer a portable chemical test to any person suspected of operating any vessel in violation of section 306.111 or 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this section.

3. The department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections 306.111 to 306.119, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination, suspension or revocation by the department of health and senior services.

4. A licensed physician, registered nurse, or trained medical technician, acting at the request and direction of a law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless the medical personnel, in the exercise of good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test or a urine or saliva specimen. In withdrawing blood for the purpose of determining the alcohol content in the blood, only a previously unused and sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to such person.

5. No person who administers any test pursuant to the provisions of sections 306.111 to 306.119 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated shall be civilly liable for damages to the person tested, except for negligence in administering of the test or for willful and wanton acts or omissions.

6. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusing to take a test as provided in sections

306.111 to 306.119 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or tests may be administered.]

[306.116. OPERATION OF VESSEL DEEMED CONSENT TO CHEMICAL TESTS, WHEN — LIMITATION — PROCEDURE — INFORMATION AVAILABLE. — 1. Any person who operates a vessel upon the Mississippi River, Missouri River or the lakes of this state shall be deemed to have given consent to, subject to the provisions of sections 306.111 to 306.119, a chemical test or tests of such person's breath, blood, urine, or saliva for the purpose of determining the alcohol or drug content of such person's blood if arrested for any offense arising out of acts which the arresting law enforcement officer had reasonable grounds to believe were committed while the person was operating a vessel upon the Mississippi River, Missouri River or lakes of this state in violation of section 306.111 or 306.112. The test shall be administered at the direction of the arresting law enforcement officer whenever the person has been arrested for the offense.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident, or charge.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of such person's choosing and at such person's expense administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

4. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.]

[306.117. ADMISSIBILITY OF RESULTS OF CHEMICAL TESTS — PRESUMPTION OF INTOXICATION. — 1. Upon the trial of any person for violation of any of the provisions of section 306.111 or 306.112 the amount of alcohol or drugs in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, urine, or saliva is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. Evidence of alcohol in a person's blood shall be given the following effect:

(1) If there was five-hundredths of one percent or less by weight of alcohol in such person's blood, it shall be presumed that the person was not intoxicated at the time the specimen was obtained;

(2) If there was in excess of five-hundredths of one percent but less than eight-hundredths of one percent by weight of alcohol in such person's blood, the fact shall not give rise to any presumption that the person was or was not intoxicated, but the fact may be considered with other competent evidence in determining whether the person was intoxicated;

(3) If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.

3. A chemical analysis of a person's breath, blood, urine, or saliva, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 306.111 to 306.119 and in accordance with methods and standards approved by the department of health and senior services.

4. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated or under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol.]

[306.118. AGGRAVATED, CHRONIC, PERSISTENT, AND PRIOR OFFENDERS — ENHANCED PENALTIES — PROCEDURES. — 1. For purposes of this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Aggravated offender", a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related boating offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111, or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) "Chronic offender":

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related boating offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) "Intoxication-related boating offense", operating a vessel while intoxicated under subsection 2 of section 306.111; operating a vessel with excessive blood alcohol content under section 306.112; involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111; any violation of subsection 2 of section 306.110; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(4) "Persistent offender", one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter under subsection 3 of section 306.111, assault in the second degree under subsection 4 of section 306.111, assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(5) "Prior offender", a person who has pleaded guilty to or has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section, nor sentence such person to pay a fine in lieu of a term of imprisonment, notwithstanding the provisions of section 557.011 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.]

[306.119. NOTIFICATION OF RIGHT OF REFUSAL — REFUSAL, EFFECT, ADMISSIBILITY. — 1. If an arresting officer requests a person under arrest to submit

to a chemical test, such request shall include the reasons of the officer for requesting the person to submit to a test and shall inform the person that he or she may refuse such request but that such person's refusal may be used as evidence against him or her. If a person refuses a test as provided in this subsection, no test shall be given.

2. If a person refuses to submit to a chemical test of such person's breath, blood, urine, or saliva and that person stands trial for the crimes provided in section 306.111 or 306.112, such refusal may be admissible into evidence at the trial.]

[306.141. LEAVING SCENE OF VESSEL ACCIDENT, PENALTY. — 1. A person commits the crime of leaving the scene of a vessel accident if:

(1) The person is an operator of a vessel on a waterway;
(2) The person knows that an injury was caused to another person or to the property of another person, due to the person's action, whether purposefully, negligently or accidentally; and

(3) The person leaves the place of the injury, damage, or accident without stopping and giving the following information to the other party or to a water patrol officer or other law enforcement officer or, if no officer is in the vicinity, then without delay to the nearest police station or judicial officer:

- (a) The operator's name;
- (b) The operator's residence, including city and street number;
- (c) The vessel registration number; and
- (d) The operator's license number for any license issued under chapter 302.

2. Leaving the scene of a vessel accident is a class A misdemeanor, unless:

(1) The defendant has previously pled guilty to, or been found guilty of, a violation of this section; or

(2) The accident resulted in physical injury to another person. In which cases, leaving the scene of a vessel accident is a class D felony.]

[556.016. CLASSES OF CRIMES. — 1. An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a "crime". Crimes are classified as felonies and misdemeanors.

2. A crime is a "felony" if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of one year.

3. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less.]

[556.022. SIGNAL OF LAW ENFORCEMENT OFFICER, DUTY OF DRIVERS AND RIDERS TO OBEY — VIOLATIONS, PENALTY. — It shall be the duty of the operator or driver of any vehicle or the rider of any animal traveling on the roads of this state to stop on signal of any law enforcement officer and to obey any other reasonable signal or direction of such law enforcement officer given in the course of enforcing any infraction. Any person who willfully fails or refuses to obey any signal or direction of a law enforcement officer given in the course of enforcing any infraction, or who willfully resists or opposes a law enforcement officer in the proper discharge of his or her duties in the course of enforcing any infraction, is guilty of a class A misdemeanor and on plea or finding of guilt thereof shall be punished as provided by law for such offenses.]

[556.051. BURDEN OF INJECTING THE ISSUE. — When the phrase "The defendant shall have the burden of injecting the issue" is used in the code, it means

(1) The issue referred to is not submitted to the trier of fact unless supported by evidence; and

(2) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.]

[556.056. AFFIRMATIVE DEFENSE. — When the phrase "affirmative defense" is used in the code, it means

(1) The defense referred to is not submitted to the trier of fact unless supported by evidence; and

(2) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.]

[556.063. DEFINITIONS. — In all criminal statutes, unless the context requires a different definition, the following terms mean:

(1) "Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) "Computer", the box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(3) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(4) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(5) "Computer network", a complex consisting of two or more interconnected computers or computer systems;

(6) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(7) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. It commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(8) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(9) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

(10) "Damage", any alteration, deletion, or destruction of any part of a computer system or network;

(11) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(12) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(13) "Property", anything of value as defined in subdivision (10) of section 570.010 and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine or human readable form, and any other tangible or intangible item of value;

(14) "Services", the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.]

[557.046. PROSECUTING ATTORNEY, LAW ENFORCEMENT AGENCY, RIGHT TO ATTEND SENTENCING, NOTICE. — In all felony cases, the court shall give notice of the time and place of sentencing to the prosecuting attorney and the law enforcement agency within whose jurisdiction the prosecution was initiated. The prosecuting attorney and a representative of the law enforcement agency may appear at sentencing and provide relevant information to the court prior to the court's decision.]

[560.016. FINES FOR MISDEMEANORS AND INFRACTIONS. — 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

- (1) For a class A misdemeanor, one thousand dollars;
- (2) For a class B misdemeanor, five hundred dollars;
- (3) For a class C misdemeanor, three hundred dollars;
- (4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derived "gain" as defined in section 560.011, may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual offender may be fined not more than twenty thousand dollars under this provision.]

[560.021. FINES FOR CORPORATIONS. — 1. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:

- (1) Ten thousand dollars, when the conviction is of a felony;
- (2) Five thousand dollars, when the conviction is of a class A misdemeanor;
- (3) Two thousand dollars, when the conviction is of a class B misdemeanor;
- (4) One thousand dollars, when the conviction is of a class C misdemeanor;
- (5) Five hundred dollars, when the conviction is of an infraction;
- (6) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

2. In the case of an offense defined outside the code, if a special fine for a corporation is expressly specified in the statute that defines the offense, the fine fixed by the court shall be

- (1) An amount within the limits specified in the statute that defines the offense;
- or
- (2) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.]

[565.075. ASSAULT WHILE ON SCHOOL PROPERTY, PENALTY. — 1. A person commits the crime of assault while on school property if the person:

- (1) Knowingly causes physical injury to another person; or
- (2) With criminal negligence, causes physical injury to another person by means of a deadly weapon; or
- (3) Recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; and the act described under subdivision (1), (2) or (3) of this subsection occurred on school or school district property, or in a vehicle that at the time of the act was in the service of a school or school district, or arose as a result of a school or school district-sponsored activity.

2. Assault while on school property is a class D felony.]

[565.081. ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER, UTILITY WORKER, CABLE WORKER, OR PROBATION AND PAROLE OFFICER IN THE FIRST DEGREE, DEFINITION, PENALTY. — 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee including any person employed under contract of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first degree is a class A felony.]

[565.082. ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER, UTILITY WORKER, CABLE WORKER, OR PROBATION AND PAROLE OFFICER IN THE SECOND DEGREE,

DEFINITION, PENALTY. — 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee, including any person employed under contract of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of

subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her sentence.]

[565.083. ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER, UTILITY WORKER, CABLE WORKER, OR PROBATION AND PAROLE OFFICER IN THE THIRD DEGREE, DEFINITION, PENALTY. — 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer without the consent of the law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee, including any person employed under contract of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the third degree is a class A misdemeanor.]

[565.092. AGGRAVATED HARASSMENT OF AN EMPLOYEE — PENALTY. — 1. A patient or respondent is guilty of aggravated harassment of an employee when, with intent to harass, annoy, threaten or alarm a person in a facility whom the person knows or reasonably should know to be an employee of such facility or the department of mental health or to be an employee of any law enforcement agency, the person causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

2. For the purposes of this section, "patient" means any person who is a patient in a facility operated by the department of mental health. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the

division of youth services. For purposes of this section, "facility" means a hospital operated by the department of mental health or a secure facility operated by the division of youth services.

3. Any person who violates the provisions of this section is guilty of a class A misdemeanor.]

[565.149. DEFINITIONS. — As used in sections 565.149 to 565.169, the following words and phrases mean:

- (1) "Child", a person under seventeen years of age;
- (2) "Legal custody", the right to the care, custody and control of a child;
- (3) "Parent", either a biological parent or a parent by adoption;
- (4) "Person having a right of custody", a parent or legal guardian of the child.]

[565.165. ASSISTING IN CHILD ABDUCTION OR PARENTAL KIDNAPPING — PENALTY. — 1. A person commits the crime of assisting in child abduction or parental kidnapping if he:

(1) Before or during the commission of a child abduction or parental kidnapping as defined in section 565.153 or 565.156 and with the intent to promote or facilitate such offense, intentionally assists another in the planning or commission of child abduction or parental kidnapping, unless before the commission of the offense he makes proper efforts to prevent the commission of the offense; or

(2) With the intent to prevent the apprehension of a person known to have committed the offense of child abduction or parental kidnapping, or with the intent to obstruct or prevent efforts to locate the child victim of a child abduction, knowingly destroys, alters, conceals or disguises physical evidence or furnishes false information.

2. Assisting in child abduction or parental kidnapping is a class A misdemeanor.]

[565.169. RESTITUTION, EXPENSES OF CUSTODIAL PARENT GRANTED, WHEN. — Upon conviction or guilty plea of a person under section 565.150, or section 565.153 or 565.156, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.]

[565.180. ELDER ABUSE IN THE FIRST DEGREE — PENALTY. — 1. A person commits the crime of elder abuse in the first degree if he attempts to kill, knowingly causes or attempts to cause serious physical injury, as defined in section 565.002, to any person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the first degree is a class A felony.]

[565.182. ELDER ABUSE IN THE SECOND DEGREE — PENALTY. — 1. A person commits the crime of elder abuse in the second degree if he:

(1) Knowingly causes, attempts to cause physical injury to any person sixty years of age or older or an eligible adult, as defined in section 660.250, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly or purposely causes serious physical injury, as defined in section 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the second degree is a class B felony.]

[565.210. VULNERABLE PERSON ABUSE IN THE FIRST DEGREE, PENALTY. — 1. A person commits the crime of vulnerable person abuse in the first degree if he or

she attempts to kill or knowingly causes or attempts to cause serious physical injury to a vulnerable person, as defined in section 630.005.

2. Vulnerable person abuse in the first degree is a class A felony.]

[565.212. VULNERABLE PERSON ABUSE IN THE SECOND DEGREE, PENALTY. —

1. A person commits the crime of vulnerable person abuse in the second degree if he or she:

(1) Knowingly causes or attempts to cause physical injury to a vulnerable person, as defined in section 630.005, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly causes serious physical injury to any vulnerable person, as defined in section 630.005.

2. Vulnerable person abuse in the second degree is a class B felony.]

[565.214. VULNERABLE PERSON ABUSE IN THE THIRD DEGREE, PENALTY. —

1. A person commits the crime of vulnerable person abuse in the third degree if he or she:

(1) Knowingly causes or attempts to cause physical contact with any vulnerable person as defined in section 630.005, knowing the other person will regard the contact as harmful or offensive; or

(2) Purposely engages in conduct involving more than one incident that causes grave emotional distress to a vulnerable person, as defined in section 630.005. The result of the conduct shall be such as would cause a vulnerable person, as defined in section 630.005, to suffer substantial emotional distress; or

(3) Purposely or knowingly places a vulnerable person, as defined in section 630.005, in apprehension of immediate physical injury; or

(4) Intentionally fails to provide care, goods or services to a vulnerable person, as defined in section 630.005. The result of the conduct shall be such as would cause a vulnerable person, as defined in section 630.005, to suffer physical or emotional distress; or

(5) Knowingly acts or knowingly fails to act with malice in a manner that results in a grave risk to the life, body or health of a vulnerable person, as defined in section 630.005; or

(6) Is a person who is a vendor, provider, agent, or employee of a department operated, funded, licensed, or certified program and engages in sexual contact, as defined by subdivision (3) of section 566.010, or sexual intercourse, as defined by subdivision (4) of section 566.010, with a vulnerable person.

2. Vulnerable person abuse in the third degree is a class A misdemeanor.

3. Actions done in good faith and without gross negligence that are designed to protect the safety of the individual and the safety of others, or are provided within accepted standards of care and treatment, shall not be considered as abuse of a vulnerable person as defined in this section.

4. Nothing in this section shall be construed to mean that a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by the vulnerable person's explicit consent, advance directive for health care, or practice.]

[565.250. DEFINITIONS. — As used in sections 565.250 to 565.257, the following terms mean:

(1) "Full or partial nudity", the showing of all or any part of the human genitals or pubic area or buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

(2) "Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

(3) "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

(4) "Prior invasion of privacy offender", a person who previously has pleaded or been found guilty of the crime of invasion of privacy;

(5) "Same course of conduct", more than one person has been filmed in full or partial nudity under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times;

(6) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.]

[565.253. CRIME OF INVASION OF PRIVACY, SECOND DEGREE, PENALTIES. —

1. A person commits the crime of invasion of privacy in the second degree if:

(1) Such person knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

(2) Such person knowingly uses a concealed camcorder or photographic camera of any type to secretly videotape, photograph, or record by electronic means another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

2. Invasion of privacy in the second degree pursuant to subdivision (1) of subsection 1 of this section is a class A misdemeanor; unless more than one person is viewed, photographed or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a person who has previously pled guilty to or been found guilty of invasion of privacy, in which case invasion of privacy is a class D felony. Invasion of privacy in the second degree pursuant to subdivision (2) of subsection 1 of this section is a class A misdemeanor; unless more than one person is secretly videotaped, photographed or recorded in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a person who has previously pled guilty to or been found guilty of invasion of privacy, in which case invasion of privacy is a class C felony. Prior pleas or findings of guilt shall be pled and proven in the same manner required by the provisions of section 558.021.]

[566.140. TREATMENT AND REHABILITATION PROGRAM FOR PERPETRATORS OF SEXUAL OFFENSES, WHEN — ASSESSMENT OR COUNSELING SERVICES, PROVISION OF, RESTRICTIONS. —

1. Any person who has pleaded guilty to or been found guilty of violating the provisions of this chapter and is granted a suspended imposition or execution of sentence or placed under the supervision of the board of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of such program.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or program of

treatment, education or rehabilitation as a condition or requirement of probation, following the probationer's plea of guilty to or a finding of guilt of violating any provision of this chapter or chapter 565, may be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.]

[566.141. ALL PROBATION OR PAROLE TO BE CONDITIONED ON RECEIVING APPROPRIATE TREATMENT. — Any person who is convicted of or pleads guilty or nolo contendere to any sexual offense involving a child shall be required as a condition of probation or parole to be involved in and successfully complete an appropriate treatment program. Any person involved in such a program shall be required to follow all directives of the treatment program provider.]

[567.040. PROSTITUTION AND PATRONIZING PROSTITUTION — SEX OF PARTIES NO DEFENSE, WHEN. — In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that

(1) Both persons were of the same sex; or

(2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.]

[568.100. FACTORS TO CONSIDER IN ESTABLISHING AGE OF CHILD PARTICIPATING IN SEXUAL PERFORMANCES — TESTIMONY MAY BE VIDEOTAPED, WHEN. — 1. When it becomes necessary for the purposes of section 568.060, 568.080 or 568.090 to determine whether a child who participated in a sexual performance was younger than seventeen years of age, the court or jury may make this determination by any of the following methods:

(1) Personal inspection of the child;

(2) Inspection of the photograph or motion picture that shows the child engaging in the sexual performance;

(3) Oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the time;

(4) Expert medical testimony based on the appearance of the child engaging in the sexual performance; or

(5) Any other method authorized by law or by the rules of evidence.

2. When it becomes necessary for the purposes of section 568.060, 568.080 or 568.090 to determine whether a child who participated in the sexual conduct consented to the conduct, the term "consent" shall have the meaning given it in section 556.061.

3. Upon request of the prosecuting attorney, the court may order that the child's testimony be videotaped pursuant to section 492.303 or as otherwise provided by law.]

[568.120. TREATMENT PROGRAM FOR FIRST OFFENDERS, COST — SECOND OFFENSE, NO SUSPENSION OF SENTENCE OR PROBATION. — 1. Any person who has pleaded guilty to or been found guilty of violating the provisions of section 568.020, 568.060, 568.080 or 568.090, and who is granted a suspended imposition or execution of sentence, or placed under the supervision of the board of probation and parole, shall be required to participate in an appropriate program of treatment, education and rehabilitation. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of such program.

2. Notwithstanding other provisions of law to the contrary, any person who has previously pleaded guilty to or been found guilty of violating the provisions of sections 568.020, 568.060, 568.080 and 568.090, and who subsequently pleads guilty or is found guilty of violating any one of the foregoing sections, shall not be granted a suspended imposition of sentence, a suspended execution of sentence, nor probation by the circuit court for the subsequent offense.]

[569.025. PHARMACY ROBBERY IN THE FIRST DEGREE, DEFINITIONS, PENALTY. — 1. A person commits the crime of pharmacy robbery in the first degree when he forcibly steals any controlled substance from a pharmacy and in the course thereof he, or another participant in the crime:

- (1) Causes serious physical injury to any person;
- (2) Is armed with a deadly weapon;
- (3) Uses or threatens the immediate use of a dangerous instrument against any person; or
- (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument.

2. For purposes of this section the following terms mean:

(1) "Controlled substance", a drug, substance or immediate precursor in schedules I through V as defined in sections 195.005 to 195.425;

(2) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage or dispensing of any controlled substance as defined by sections 195.005 to 195.425.

3. Pharmacy robbery in the first degree is a class A felony, but, notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, parole or conditional release until having served a minimum of ten years of imprisonment.]

[569.035. PHARMACY ROBBERY IN THE SECOND DEGREE, DEFINITIONS, PENALTY. — 1. A person commits the crime of pharmacy robbery in the second degree when he forcibly steals any controlled substance from a pharmacy.

2. For purposes of this section the following terms mean:

(1) "Controlled substance", a drug, substance or immediate precursor in schedules I through V as defined in sections 195.005 to 195.425;

(2) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage or dispensing of any controlled substance as defined by sections 195.005 to 195.425.

3. Pharmacy robbery in the second degree is a class B felony, but, notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, parole or conditional release until having served a minimum of five years of imprisonment.]

[569.067. FIRE, NEGLIGENCE IN SETTING OR ALLOWING TO ESCAPE ON CROPLAND, GRASSLAND, MARSH, PRAIRIE, WOODLAND. — 1. A person commits the crime of negligently setting fire to a woodland, cropland, grassland, prairie or marsh when he with criminal negligence causes damage to a woodland, cropland, grassland, prairie or marsh of another by starting a fire.

2. A person commits the crime of negligently allowing a fire to escape when he with criminal negligence allows a fire burning on lands in his possession or control to escape onto property of another.

3. Negligently setting fire to a woodland, cropland, grassland, prairie or marsh or negligently allowing a fire to escape is a class B misdemeanor.]

[569.094. COMPUTER PRINTOUTS USED AS EVIDENCE, WHEN. — In a prosecution under sections 569.095 to 569.099, computer printouts shall be competent evidence of any computer software, program, or data contained in or taken from a computer, computer system, or computer network.]

[570.033. STEALING ANIMALS, PENALTY. — Any person who, without lawful authority, willfully takes another's animal with the intent to deprive him of his property is guilty of a class D felony.]

[570.040. STEALING, THIRD OFFENSE. — 1. Every person who has previously pled guilty to or been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a class D felony, unless the subsequent plea or guilty verdict is pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, in which case the person shall be guilty of a class B felony, and shall be punished accordingly.

2. As used in this section, the term "stealing-related offense" shall include federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against same if the defendant was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings.

3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior guilty pleas or findings of guilt.]

[570.050. AGGREGATION OF AMOUNTS INVOLVED IN STEALING. — Amounts stolen pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitute a single criminal episode and may be aggregated in determining the grade of the offense.]

[570.055. WIRE, DEVICE, OR PIPE ASSOCIATED WITH CONDUCTING ELECTRICITY OR TRANSPORTING COMBUSTIBLE FUEL — POSSESSION OF PROHIBITED, WHEN — PENALTY. — Any person who steals or appropriates, without consent of the owner, any wire, electrical transformer, metallic wire associated with

transmitting telecommunications, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels shall be guilty of a class C felony.]

[570.080. RECEIVING STOLEN PROPERTY. — 1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section to prove the requisite knowledge or belief of the alleged receiver:

(1) That he or she was found in possession or control of other property stolen on separate occasions from two or more persons;

(2) That he or she received other stolen property in another transaction within the year preceding the transaction charged;

(3) That he or she acquired the stolen property for a consideration which he or she knew was far below its reasonable value;

(4) That he or she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

3. Except as otherwise provided in subsections 4 and 5 of this section, receiving stolen property is a class A misdemeanor.

4. Receiving stolen property is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars;

(2) The property has been physically taken from the person of the victim; or

(3) The property appropriated includes:

(a) Any motor vehicle, watercraft, or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit card or letter of credit;

(d) Any firearm;

(e) Any explosive weapon as that term is defined in section 571.010;

(f) A United States national flag designed, intended, and used for display on buildings or stationary flagstaffs in the open;

(g) Any original copy of an act, bill, or resolution, introduced or acted upon by the legislature of the state of Missouri;

(h) Any pleading, notice, judgment, or any other record or entry of any court of this state, any other state, or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as that term is defined in section 195.010;

(n) Anhydrous ammonia;

(o) Ammonium nitrate; or

(p) Any document of historical significance which has a fair market value of five hundred dollars or more.

5. The receipt of any item of property or services pursuant to subsection 4 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

6. Any person who previously has been found guilty of, or pled guilty to, receiving stolen property, when the property is of the kind described under paragraph

(j) or (l) of subdivision (3) of subsection 4 of this section and the value of the animal or animals received exceeds three thousand dollars, is guilty of a class B felony. Such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before being eligible for probation, parole, conditional release, or other early release by the department of corrections.

7. Receiving stolen property is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.]

[570.155. SPORTS BRIBERY — PENALTY. — 1. It shall be unlawful:

(1) For any person to give, promise or offer to any professional or amateur baseball, football, hockey, polo, tennis or basketball player or boxer or any player who participates or expects to participate in any professional or amateur game or sport or any jockey, driver, groom or any person participating or expecting to participate in any horse race, including owners of race tracks and their employees, stewards, trainers, judges, starters or special policemen, or to any manager, coach or trainer of any team or participant or prospective participant in any such game, contest or sport, any valuable thing with intent to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game, boxing, tennis or polo match or a horse race or any professional or amateur sport, or game, in which such player or participant or jockey or driver, is taking part or expects to take part, or has any duty or connection therewith;

(2) For any professional or amateur baseball, football, hockey, basketball, tennis or polo player, boxer, or jockey, driver, or groom or participant or prospective participant in any sport or game, or manager, coach or trainer of any team or individual participant or prospective participant in any such game, contest or sport to accept, attempt to obtain, or to solicit any valuable thing to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game or boxing, tennis, or polo match, or horse race or any game or sport in which he is taking part, or expects to take part, or has any duty or connection therewith.

2. (1) Any person violating the provisions of subdivision (1) of subsection 1 shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for a term of not to exceed ten years or by imprisonment in the county jail for a period not to exceed one year, or by a fine not to exceed ten thousand dollars or by both such fine and imprisonment;

(2) Any person violating the provisions of subdivision (2) of subsection 1 shall be deemed guilty of a misdemeanor.]

[570.160. FALSE ADVERTISING. — 1. A person commits the crime of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property or services, he recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

2. False advertising is a class A misdemeanor.]

[570.170. BAIT ADVERTISING. — 1. A person commits the crime of bait advertising if he advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

(1) At the price which he offered them; or

(2) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or

(3) At all.

2. Bait advertising is a class A misdemeanor.]

[570.190. TELEPHONE SERVICE FRAUD. — 1. A person commits the crime of telephone service fraud if the person by deceit obtains or attempts to obtain telephone service without paying the lawful charge, except that it shall not be unlawful for a person to purchase, rent or use telephones or telephone receiving equipment acquired from a lawful source, other than the telephone utility certified to serve the area in which such person resides.

2. A person commits the crime of electronic telephone fraud if the person knowingly

(1) Uses, in connection with the making or receiving of a telephone call; or

(2) Has possession of; or

(3) Transfers possession or causes the transfer of possession to another; or

(4) Makes or assembles; an electronic or mechanical device which, when used in connection with a telephone call, will cause the billing system of a telephone company to record incorrectly, or omit to record correctly, any fact by which the person responsible for paying the charge for a telephone call is determined.

3. Venue for trial shall be as follows:

(1) An offense under subsection 1 and subdivision (1) of subsection 2 which involves the placing of telephone calls may be deemed to have been committed at either the place at which the telephone calls were made, or at the place where the telephone calls were received.

(2) An offense under subdivisions (2), (3) and (4) of subsection 2 may be deemed to have been committed where the device was found, or at the place where the device was transferred or fabricated.

4. (1) An offense under subsection 1 shall be punished by a fine not to exceed five hundred dollars or by confinement in jail for not more than six months, or both; except that if the telephone charges avoided or attempted to be avoided pursuant to one scheme or course of conduct exceed fifty dollars, the offense shall be punished by a fine of not more than one thousand dollars, or by confinement in jail for not more than one year, or both.

(2) An offense under subdivisions (1) through (5) of subsection 2 shall be punished by a fine of not more than one thousand dollars, confinement in jail for not more than one year, or both; except that if defendant received consideration from another as a consequence of the use, transfer, or fabrication of the device, the offense shall be punished as provided in subdivision (3) of subsection 4.

(3) If the defendant has been convicted previously of an offense under this section or of an offense under the laws of another state of the United States which would have been an offense under this section if committed in this state, then the offense shall be punished by a fine of not more than five thousand dollars or by imprisonment by the department of corrections and human resources for not less than two nor more than five years, or both.

5. A search warrant shall be issued by any court of competent jurisdiction upon a finding of probable cause to believe an instrument or device described in subsections 1 and 2 is housed in a particular structure, vehicle or upon the person.]

[570.200. DEFINITIONS. — As used in this act, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Library", any public library or any library of an educational, historical or eleemosynary institution, organization or society; any museum; any repository of public or institutional records; or any archive;

(2) "Library card", a card or other device utilized by a library for purposes of identifying a person authorized to borrow library material, subject to all limitations and conditions imposed on such borrowing by the library issuing or honoring such card;

(3) "Library material", any book, plate, picture, photograph, engraving, painting, sculpture, artifact, drawing, map, newspaper, microform, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other document, written or printed material, regardless of physical form or characteristic, which is a constituent element of a library's collection or any part thereof, belonging to, on loan to, or otherwise in the custody of a library;

(4) "Notice in writing", any notice deposited as certified or registered mail in the United States mail and addressed to the person at his address as it appears on the library card or to his last known address. The notice shall contain a statement that failure to return the library material within ten days of receipt of the notice may subject the user to criminal prosecution;

(5) "Premises of a library", a building structure or other enclosure in which a library is located or in which the library keeps, displays and makes available for inspection, borrowing or return of library materials.]

[570.215. DETENTION OF SUSPECT TO INVESTIGATE, NOT UNLAWFUL, WHEN.

— Any librarian, his agent or employee, who has reasonable grounds to believe that a person on the premises of the library has committed or is about to commit the crime of library theft, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been or may be a wrongful taking of such library material. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the librarian, his agent or employee criminally or civilly liable to the person so detained.]

[570.226. UNAUTHORIZED RECORDING FOR PROFIT PROHIBITED. — No

person shall, without the consent of the owner, transfer or cause to be transferred to any phonograph record, disc, wire, tape, film, videocassette, or other article or medium now known or later developed on which sounds or images are recorded or otherwise stored, any performance whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit.]

[570.230. SALE OR OFFER TO SELL UNAUTHORIZED RECORDINGS PROHIBITED. — No person shall advertise, or offer for sale, resale, or sell or resell, or cause to be sold, resold or process for such purposes any article that has been produced in violation of the provisions of section 570.225 or 570.226, knowing, or having reasonable grounds to know, that the sounds thereon have been so transferred without the consent of the owner.]

[570.235. DEFINITIONS. — As used in sections 570.225 to 570.255, the following terms mean:

(1) "Audiovisual works", works that consist of a series of related images which are intrinsically intended to be shown by the use of machines, electronic equipment or other devices, now known or later developed, together with accompanying sounds, if any;

(2) "Manufacturer", the person who transfers or causes to be transferred any sounds or images to the particular article, medium, recording or other physical embodiment of such sounds or images then in issue;

(3) "Motion pictures", audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(4) "Owner", the person who owns the sounds of any performance not yet fixed in a medium of expression, or the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film, master videocassette, or other device or medium now known or later developed, used for reproducing sounds on phonograph records, discs, tapes, films, videocassettes, or other articles or medium upon which sound is or may be recorded, and from which the transferred recorded sounds are directly or indirectly derived;

(5) "Person", any natural person, corporation or other business entity.]

[570.240. LABELING REQUIRED. — The label, cover, box or jacket on all phonograph records, discs, wires, tapes, films, videocassettes or other articles or medium now known or later developed on which sounds or images are recorded shall contain thereon in clearly readable print the name and address of the manufacturer.]

[570.241. SALE OF ITEM PRODUCED IN VIOLATION OF LAW PROHIBITED. — No person shall advertise, or offer for rental, sale, resale, or rent, sell, resell, or cause to be sold, resold, or possess for such purposes any article that has been produced in violation of the provisions of section 570.240, knowing, or having reasonable grounds to know, that the article has been produced in violation of the provisions of section 570.240.]

[570.245. EXEMPTIONS FROM LAW. — Sections 570.225 to 570.255 do not apply to:

(1) Any radio or television broadcaster who transfers any such sounds as part of or in connection with a radio or television broadcast transmission or for archival preservation;

(2) Any person transferring any such sounds at home for his personal use without any compensation being derived by such person or any other person from such transfer;

(3) Any cable television company that transfers any such sounds as part of its regular cable television service.]

[570.255. VIOLATIONS, HOW PUNISHED — FORFEITURE AND DESTRUCTION OF ITEMS — PENALTIES NOT EXCLUSIVE. — 1. Any person guilty of a violation of sections 570.225 to 570.255 is punishable as follows:

(1) For the first offense of a violation of sections 570.225 to 570.241 which is not a felony under subdivision (2) of this subsection, such person is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five thousand dollars, or by confinement in the county jail not exceeding six months, or by both such fine and confinement.

(2) For any offense of a violation of section 570.240 or 570.241 involving one hundred or more articles upon which motion pictures or audiovisual works are recorded, or any other violation of section 570.225 to 570.241 involving one hundred or more articles, such person is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding fifty thousand dollars, or by imprisonment by the department of corrections for not more than five years, or by both such fine and imprisonment.

(3) For the second and subsequent violations of sections 570.225 to 570.255, such person is guilty of a felony and, upon conviction, shall be punished by a fine not

exceeding one hundred thousand dollars, or by imprisonment by the department of corrections for not less than two years nor more than five years, or by both such fine and imprisonment.

2. If a person is convicted of any violation of sections 570.225 to 570.255, the court in its judgment of conviction may order the forfeiture and destruction or other disposition of all unlawful recordings and all implements, devices and equipment used or intended to be used in the manufacture of the unlawful recordings. The court may enter an order preserving such recordings and all implements, devices and equipment as evidence for use in other cases or pending in the final determination of an appeal. The provisions of this subsection shall not be construed to allow an order to destroy any such implements, devices, or equipment used or intended to be used in such manufacture subject to any valid lien or rights under any security agreement or title retention contract when the holder thereof is an innocent party.

3. The penalties provided under sections 570.225 to 570.255 are not exclusive and are in addition to any other penalties provided by law.]

[573.013. CRIMINAL INVESTIGATIONS, SITE OF CRIMINAL CONDUCT UNDETERMINED, ATTORNEY GENERAL MAY SUBPOENA WITNESS AND DOCUMENTS. — In the course of a criminal investigation under this chapter, when the venue of the alleged criminal conduct cannot be readily determined without further investigation, the attorney general may request the prosecuting attorney of Cole County to request a circuit or associate circuit judge of Cole County to issue a subpoena to any witness who may have information for the purpose of oral examination under oath or to require access to data or the production of books, papers, records, or other material of evidentiary nature at the office of the attorney general. If, upon review of the evidence produced pursuant to the subpoenas, it appears that a violation of this chapter may have been committed, the attorney general shall provide the evidence produced pursuant to subpoena to an appropriate county prosecuting attorney or circuit attorney having venue over the criminal offense.]

[573.500. DEFINITIONS. — As used in sections 573.500 to 573.507, the following terms mean:

(1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

(2) "Nudity", the showing of either:

(a) The human male or female genitals or pubic area with less than a fully opaque covering; or

(b) The female breast with less than a fully opaque covering on any part of the nipple.]

[573.528. DEFINITIONS. — For purposes of sections 573.525 to 573.537, the following terms shall mean:

(1) "Adult bookstore" or "adult video store", a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment:

(a) Has a substantial portion of its displayed merchandise which consists of such items; or

(b) Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

(c) Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

(d) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

(e) Maintains a substantial section of its interior business space for the sale or rental of such items; or

(f) Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(2) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(3) "Adult motion picture theater", a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(4) "Characterized by", describing the essential character or dominant theme of an item;

(5) "Employ", "employee", or "employment", describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;

(6) "Establish" or "establishment", any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The addition of any sexually oriented business to any other existing sexually oriented business;

(7) "Influential interest", any of the following:

(a) The actual power to operate the sexually oriented business or control the operation, management, or policies of the sexually oriented business or legal entity which operates the sexually oriented business;

(b) Ownership of a financial interest of thirty percent or more of a business or of any class of voting securities of a business; or

(c) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates the sexually oriented business;

(8) "Nudity" or "state of nudity", the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola;

(9) "Operator", any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the

business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;

(10) "Premises", the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;

(11) "Regularly", the consistent and repeated doing of the act so described;

(12) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

(13) "Semi-nude model studio", a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

(a) By a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(14) "Sexual encounter center", a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(15) "Sexually oriented business", an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual encounter center;

(16) "Specified anatomical areas":

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(17) "Specified criminal act", any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(a) Rape and sexual assault offenses;

(b) Sexual offenses involving minors;

(c) Offenses involving prostitution;

(d) Obscenity offenses;

(e) Offenses involving money laundering;

(f) Offenses involving tax evasion;

(g) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in paragraphs (a) to (f) of this subdivision; or

(h) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in paragraphs (a) to (g) of this subdivision;

(18) "Specified sexual activity", any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(19) "Substantial", at least thirty percent of the item or items so modified;

(20) "Viewing room", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.]

[574.030. PEACE DISTURBANCE DEFINITIONS. — For the purposes of sections 574.010 and 574.020

(1) "Property of another" means any property in which the actor does not have a possessory interest;

(2) "Private property" means any place which at the time is not open to the public. It includes property which is owned publicly or privately;

(3) "Public place" means any place which at the time is open to the public. It includes property which is owned publicly or privately;

(4) If a building or structure is divided into separately occupied units, such units are separate premises.]

[575.021. OBSTRUCTION OF AN ETHICS INVESTIGATION, DEFENSES, PENALTY.

— 1. A person commits the crime of obstruction of an ethics investigation if such person, for the purpose of obstructing or preventing an ethics investigation, knowingly commits any of the following acts:

(1) Confers or agrees to confer anything of pecuniary benefit to any person in direct exchange for that person's concealing or withholding any information concerning any violation of sections 105.450 to 105.496 and chapter 130;

(2) Accepting or agreeing to accept anything of pecuniary benefit in direct exchange for concealing or withholding any information concerning any violation of sections 105.450 to 105.496 or chapter 130;

(3) Utters or submits a false statement that the person does not believe to be true to any member or employee of the Missouri ethics commission or to any official investigating any violation of sections 105.450 to 105.496 or chapter 130; or

(4) Submits any writing or other documentation that is inaccurate and that the person does not believe to be true to any member or employee of the Missouri ethics commission or to any official investigating any violation of sections 105.450 to 105.496 or chapter 130.

2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of this section that the person retracted the false statement, writing, or other documentation, but this defense shall not apply if the retraction was made after:

(1) The falsity of the statement, writing, or other documentation was exposed; or

(2) Any member or employee of the Missouri ethics commission or any official investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial action in reliance on the statement, writing, or other documentation.

3. The defendant shall have the burden of injecting the issue of retraction under this section.

4. Obstruction of an ethics investigation under this section is a class A misdemeanor.]

[575.350. KILLING OR DISABLING A POLICE ANIMAL — PENALTY. — 1. A person commits the crime of killing or disabling a police animal when such person knowingly causes the death of a police animal, or knowingly disables a police animal to the extent it is unable to be utilized as a police animal, when that animal is involved in a law enforcement investigation, apprehension, tracking, or search and rescue, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department and a rescue unit or agency.

2. Killing or disabling a police animal is a class D felony.]

[577.026. CHEMICAL TESTS, RESULTS, VALID, WHEN — DEPARTMENT OF HEALTH AND SENIOR SERVICES TO APPROVE METHODS AND DEVICES AND ESTABLISH STANDARDS. — 1. Chemical tests of the person's breath, blood, saliva, or urine to be considered valid under the provisions of sections 577.020 to 577.041, shall be performed according to methods and devices approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

2. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections 577.020 to 577.041, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services.]

[577.065. ALL-TERRAIN VEHICLE, ACCIDENT INVOLVING — REQUIRED INFORMATION, REPORT OF LAW ENFORCEMENT OFFICER, WHEN — EXCEPTIONS — PENALTY. — 1. Whenever any all-terrain vehicle is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the all-terrain vehicle to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the damage is present at the place where the damage occurred, then the operator shall immediately report the accident, as soon as he is physically able, to the nearest law enforcement agency.

2. A law enforcement officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury, as defined in section 556.061, shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge, and mail the information to the department of public safety and keep a record thereof in his office.

3. This section does not apply when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

4. Any person leaving the scene of an accident involving an all-terrain vehicle which results in a serious personal injury shall be guilty of a class A misdemeanor, except that it shall be a class D felony if the accident resulted in death of another party or if defendant has previously pled guilty or been found guilty of a violation of this section.]

[577.071. SOLID WASTE, ILLEGAL DISPOSAL OF, DUTY OF PROSECUTING ATTORNEY. — The prosecutor of any county and the circuit attorney of any city not within a county shall investigate reports of violations of sections 260.211 and 260.212

and may, by information or indictment, institute a prosecution for any violation of sections 260.211 and 260.212.]

[577.090. POWERS OF LAW ENFORCEMENT OFFICERS—LIMITED POWERS OF CONSERVATION AGENTS. — Any law enforcement officer shall and any agent of the conservation commission or deputy or member of the highway patrol, water patrol division, may enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof; except that conservation agents may enforce such provisions only upon the water, the banks thereof or upon public land.]

[577.105. TELEPHONE CALLS ON PARTY LINES DURING EMERGENCIES — PRIORITY — PENALTY. — 1. "Party line", as used in this section, means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency", as used in this section, means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

2. Any person who willfully refuses to immediately relinquish a party line when informed that the line is needed for an emergency call to a fire department or law enforcement official or for medical aid or ambulance service, or any person who secures the use of a party line by falsely stating that the line is needed for an emergency call, is guilty of a misdemeanor.

3. Every telephone directory hereafter distributed to the members of the general public in this state or in any portion thereof which lists the calling numbers of telephones of any telephone exchange located in this state shall contain a notice which explains the offense provided for in this section, the notice to be preceded by the word "warning"; provided, that the provisions of this section shall not apply to those directories distributed solely for business advertising purposes, commonly known as classified directories, nor to any telephone directory heretofore distributed to the general public. Any person, firm or corporation providing telephone service which distributes or causes to be distributed in the state copies of a telephone directory which is subject to the provisions of this section and which do not contain the notice herein provided for is guilty of a misdemeanor.]

[577.110. PERSON OPERATING VEHICLE WHILE UNDER SIXTEEN YEARS OF AGE — PENALTY. — No person under the age of sixteen years shall operate a motor vehicle on the highways of this state. Any person who violates this section, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than five hundred dollars.]

[577.160. SWIMMING POOLS, USE OF LIFE JACKETS, DEFINITIONS. — 1. As used in sections 577.160 and 577.161, the following words mean:

(1) "Swimming pool", any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, and includes: pools for community use, pools at apartments, condominiums, and other groups of associations having five or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas, motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the owner or guests;

(2) "Person", any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the state of Missouri, or any political subdivision or department thereof, or any other entity;

(3) "Life jacket", a life jacket, life vest or any other flotation device designed to be worn about the body to assist in maintaining buoyancy in water.]

[577.201. DEFINITIONS. — As used in this section and section 577.203, "flight crew member" shall include the pilot in command, copilots, flight engineers and flight navigators.]

[577.206. FLIGHT CREW MEMBERS, IMPLIED CONSENT TO CHEMICAL TESTS — IMPLIED CONSENT LIMITED TO TWO TESTS FOR SAME INCIDENT. — 1. Any person who operates, or acts as a flight crew member of, any aircraft in this state is deemed to have given his or her consent to chemical testing of his or her blood, breath, or urine for the purpose of determining the alcohol or drug content of the blood. The consent shall be deemed only if the person is detained for any offense allegedly committed in violation of sections 577.201 and 577.203 or if any officer requests chemical testing as part of an investigation of a suspected violation of state or local law. The test shall be administered at the direction of the law enforcement officer.

2. The implied consent to submit to the chemical tests shall be limited to not more than two such tests arising from the same incident.]

[577.208. VALID TEST REQUIREMENTS — TEST RESULTS TO BE FURNISHED TO PERSON TESTED ON REQUEST — NO LIABILITY FOR PERSON ADMINISTERING TEST, EXCEPTIONS. — 1. Chemical tests of the person's breath, blood, or urine to be considered valid shall be performed according to methods and devices approved by the state department of health and senior services and shall be performed by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. A blood test shall not be performed if the medical personnel, in good faith medical judgment, believe such procedure would endanger the health of the person in custody.

2. Upon request of the person tested, full information concerning the test shall be made available to him.

3. No person administering a chemical test under this section and sections 577.206, 577.211 and 577.214, or any other person, firm or corporation with whom he is associated, shall be civilly liable for damages to the person tested except for negligence or by willful or wanton act or omission.]

[577.211. DEAD OR UNCONSCIOUS PERSONS, CHEMICAL TEST MAY BE ADMINISTERED. — Any person who is dead, unconscious, or otherwise incapable of refusing to take a test shall be deemed to not have withdrawn the consent, and the chemical test may be administered.]

[577.214. CHEMICAL TESTS ADMISSIBLE AS EVIDENCE. — The provisions of section 491.060 shall not prevent the admissibility of evidence of any chemical analysis performed under this section and sections 577.206, 577.208 and 577.211. In any criminal prosecution for the violation of sections 577.201 and 577.203, the results of any properly performed chemical test of the defendant's blood, breath or urine shall be admissible as evidence.]

[578.200. CITATION OF LAW. — Sections 578.200 to 578.225 shall be known and may be cited as the "Cave Resources Act".]

[578.205. DEFINITIONS. — When used in sections 578.200 to 578.225, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly requires otherwise:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by man including, without limitation, a pit, pothole, natural well, grotto and tunnel, whether or not the opening has a natural entrance;

(2) "Cave system", the caves in a given area related to each other hydrologically, whether continuous or discontinuous from a single opening;

(3) "Show cave", any cave or cavern wherein trails have been created and some type of lighting provided by the owner or operator for purpose of exhibition to the general public as a profit or nonprofit enterprise, wherein a fee is generally collected for entry;

(4) "Sinkhole", a hollow place or depression in the ground in which drainage may collect with an opening therefrom into an underground channel or cave including any subsurface opening that might be bridged by a formation of silt, gravel, humus or any other material through which percolation into the channel or cave may occur.]

[578.220. EXCEPTIONS, CERTAIN MINING OPERATIONS. — Sections 578.200 to 578.225 shall not apply to vertical or horizontal underground mining operations.]

[578.225. VIOLATIONS, PENALTY. — Any person who violates any provision of sections 578.200 to 578.225 is guilty of a class A misdemeanor.]

[578.353. IMMUNITY FROM CIVIL LIABILITY, WHEN. — Any person licensed under chapter 334 or 335 who, in good faith, makes a report pursuant to section 578.350 shall have immunity from civil liability that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of section 491.060, the existence of a physician-patient relationship shall not prevent a physician from submitting the report required in section 578.350, or testifying regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible.]

[578.360. DEFINITIONS. — As used in sections 578.360 to 578.365, unless the context clearly requires otherwise, the following terms mean:

(1) "Educational institution", a public or private college or university;

(2) "Hazing", a willful act, occurring on or off the campus of an educational institution, directed against a student or a prospective member of an organization operating under the sanction of an educational institution, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing shall include:

(a) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance or forced smoking or chewing of tobacco products; or

(b) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or

(c) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.]

[578.363. COLLEGES AND UNIVERSITIES TO HAVE WRITTEN POLICY PROHIBITING HAZING. — Each educational institution in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.]

[578.375. DEFINITIONS. — As used in sections 578.375 to 578.392, the following terms mean:

(1) "Department", the Missouri department of social services or any of its divisions;

(2) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services;

(3) "Employment information", the following facts if reasonably available: complete name, beginning and ending dates of employment during the most recent five years, amount of money earned in any month or months during the most recent five years, last known address, date of birth, and Social Security account number;

(4) "Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase foods operated by the United States Department of Agriculture (USDA) in conjunction with the department;

(5) "Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the department or any of its divisions.]

[578.389. ENHANCED PENALTY FOR MULTIPLE CONVICTIONS. — 1. Every person who has been previously convicted of two violations in section 578.385 or 578.387, or any two of them shall, upon a subsequent conviction of any of these offenses, be guilty of a class C felony and shall be punished accordingly.

2. Evidence of prior convictions shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.]

[578.392. DETECTION OF FRAUD, DEPARTMENT TO STUDY METHODS, REPORT. — The department shall study analytical modeling-based methods of detecting fraud and issue a report to the general assembly and governor by December 1, 2013, relating to the benefits and limitations of such a model, experiences in other states using such a model, and estimated costs for implementation.]

[578.409. PENALTIES FOR VIOLATIONS. — 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.]

[578.412. DIRECTOR, LAW ENFORCEMENT OFFICERS, AUTHORITY TO INVESTIGATE — RULES, PROCEDURE. — 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]

[578.414. THE CROP PROTECTION ACT — DIRECTOR DEFINED. — Sections 578.414 to 578.420 shall be known and may be cited as "The Crop Protection Act". As used in sections 578.414 to 578.420, the term "director" shall mean the director of the department of agriculture.]

[578.418. VIOLATIONS, PENALTIES — CIVIL ACTIONS, WHEN. — 1. Any person who violates section 578.416:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss or damage to the crop exceeds five hundred dollars in value;

(2) Shall be guilty of a class D felony if the loss or damage to the crop exceeds five hundred dollars in value but does not exceed one thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss or damage to the crop exceeds one thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss or damage to the crop exceeds one hundred thousand dollars in value.

2. Any person who has been damaged by a violation of section 578.416 may have a civil cause of action pursuant to section 537.353.

3. Nothing in sections 578.414 to 578.420 shall preclude any owner or operator injured in his or her business or property by a violation of section 578.416 from

seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.416. The owner or operator of the business may petition the court to permanently enjoin such persons from violating sections 578.414 to 578.420 and the court shall provide such relief.]

[578.420. INVESTIGATION OF ALLEGED VIOLATIONS — RULEMAKING AUTHORITY. — 1. The director shall have the authority to investigate any alleged violation of sections 578.414 to 578.420, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.414 to 578.420. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.414 to 578.420. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 578.414 to 578.420 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 578.414 to 578.420 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

[578.433. UNLAWFUL TO MAINTAIN PUBLIC NUISANCE — CHARGES MAY BE FILED AGAINST OWNERS AND OCCUPANTS — PENALTY, CLASS C FELONY. — It is unlawful for a person to keep or maintain such a public nuisance. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant, of the room, building, structure, or inhabitable structure with the crime of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance is a class C felony.]

[578.530. AFFIRMATIVE DEFENSE. — It shall be an affirmative defense to prosecution for a violation of sections 578.520 and 578.525 that the premises were at the time open to members of the public and the person complied with all lawful conditions imposed concerning access to or the privilege of remaining on the premises.]

SECTION B. DELAYED EFFECTIVE DATE.— Section A of this act shall become effective on January 1, 2017.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 492 [CCS HCS SCS SB 492]

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

Modifies provisions relating to the authorization for funding and administrative processes in higher education

AN ACT to repeal sections 161.097, 163.191, 173.670, 173.1006, 178.638, 340.381, and 340.396, RSMo, and to enact in lieu thereof ten new sections relating to higher education.

SECTION

A. Enacting clause.

161.097. Evaluation of teacher education programs — rulemaking authority.

163.191. State aid to community colleges — definitions — distribution to be based on resource allocation model, adjustment annually, factors involved — report on effectiveness of model, due when.

173.670. Initiative established, purpose, matching grants — fund created, use of moneys — authorized programs.

173.675. Information technology certification through technical course work, program to be developed, components — rulemaking authority.

173.680. Study on most frequent IT certifications requested by employers — report.

173.1006. Performance measures to be utilized — board to evaluate every three years — report.

173.1540. Institutions to submit annual budget request to department — increases in core funding, allocation model, requirements — report.

178.638. Oversight of college by coordinating board and state board of education — state to provide funds, exception vocational technical education reimbursement to continue through state board of education — performance funding measures to be used, when.

340.381. Program and fund created, use of moneys.

340.396. Contracts not required, when.

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

SECTION A. ENACTING CLAUSE. — Sections 161.097, 163.191, 173.670, 173.1006, 178.638, 340.381, and 340.396, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 161.097, 163.191, 173.670, 173.675, 173.680, 173.1006, 173.1540, 178.638, 340.381, and 340.396, to read as follows:

161.097. EVALUATION OF TEACHER EDUCATION PROGRAMS — RULEMAKING AUTHORITY. — 1. The state board of education shall establish standards and procedures by which it will evaluate all teacher training institutions in this state for the approval of teacher education programs. The state board of education shall not require teacher training institutions to meet national or regional accreditation as a part of its standards and procedures in making those evaluations, but it may accept such accreditations in lieu of such approval if standards and procedures set thereby are at least as stringent as those set by the board. The state board of education's standards and procedures for evaluating teacher training institutions shall equal or exceed those of national or regional accrediting associations.

2. **There is hereby established within the department of elementary and secondary education the "Missouri Advisory Board for Educator Preparation", hereinafter referred to as "MABEP". The MABEP shall advise the state board of education and the coordinating board for higher education regarding matters of mutual interest in the area of quality educator preparation programs in Missouri.**

3. Upon approval by the state board of education of the teacher education program at a particular teacher training institution, any person who graduates from that program, and who meets other requirements which the state board of education shall prescribe by rule, regulation and statute shall be granted a certificate or license to teach in the public schools of this state. However, no such rule or regulation shall require that the program from which the person graduates be accredited by any national or regional accreditation association.

[3. Notwithstanding any provision in the law to the contrary, the state board of education may accredit a graduate law school and any graduate of such an accredited law school shall be allowed to take the examination for admission to the bar of Missouri.]

4. **Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective**

date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

163.191. STATE AID TO COMMUNITY COLLEGES — DEFINITIONS — DISTRIBUTION TO BE BASED ON RESOURCE ALLOCATION MODEL, ADJUSTMENT ANNUALLY, FACTORS INVOLVED — REPORT ON EFFECTIVENESS OF MODEL, DUE WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Community college", an institution of higher education deriving financial resources from local, state, and federal sources, and providing postsecondary education primarily for persons above the twelfth grade age level, including courses in:

- (a) Liberal arts and sciences, including general education;
- (b) Occupational, vocational-technical; and
- (c) A variety of educational community services.

Community college course offerings lead to the granting of certificates, diplomas, or associate degrees, but do not include baccalaureate or higher degrees;

(2) "Operating costs", all costs attributable to current operations, including all direct costs of instruction, instructors' and counselors' compensation, administrative costs, all normal operating costs and all similar noncapital expenditures during any year, excluding costs of construction of facilities and the purchase of equipment, furniture, and other capital items authorized and funded in accordance with subsection 6 of this section. Operating costs shall be computed in accordance with accounting methods and procedures to be specified by the department of higher education;

(3) "Year", from July first to June thirtieth of the following year.

2. Each year public community colleges in the aggregate shall be eligible to receive from state funds, if state funds are available and appropriated, an amount up to but not more than fifty percent of the state community colleges' planned operating costs as determined by the department of higher education. [As used in this subsection, the term "year" means from July first to June thirtieth of the following year. As used in this subsection, the term "operating costs" means all costs attributable to current operations, including all direct costs of instruction, instructors' and counselors' compensation, administrative costs, all normal operating costs and all similar noncapital expenditures during any year, excluding costs of construction of facilities and the purchase of equipment, furniture, and other capital items authorized and funded in accordance with subsection 2 of this section. Operating costs shall be computed in accordance with accounting methods and procedures to be specified by the department of higher education.] The department of higher education shall review all institutional budget requests and prepare appropriation recommendations annually for the community colleges under the supervision of the department. The department's budget request shall include a recommended level of funding.

3. (1) **Except as provided in subdivision (2) of this subsection,** distribution of appropriated funds to community college districts shall be in accordance with the community college resource allocation model. This model shall be developed and revised as appropriate cooperatively by the community colleges and the department of higher education. The department of higher education shall recommend the model to the coordinating board for higher education for their approval. The core funding level for each community college shall initially be established at an amount agreed upon by the community colleges and the department of higher education. This amount will be adjusted annually for inflation, limited growth, and program improvements in accordance with the resource allocation model starting with fiscal year 1993. [The department of higher education shall request new and separate state aid funds for any new districts for their first six years of operation. The request for the new districts shall be based upon the same level of funding being provided to the existing districts, and should be sufficient to provide for the growth required to reach a mature enrollment level.]

(2) Unless the general assembly chooses to otherwise appropriate state funding, beginning in fiscal year 2016, at least ninety percent of any increase in core funding over the appropriated amount for the previous fiscal year shall be distributed in accordance with the achievement of performance-funding measures under section 173.1006.

4. The department of higher education [will] shall be responsible for evaluating the effectiveness of the resource allocation model and [will] shall submit a report to the governor, the joint committee on education, the speaker of the house of representatives and president pro [tem] tempore of the senate by [November 1997] **October 31, 2019**, and every four years thereafter.

[2.] **5. The department of higher education shall request new and separate state-aid funds for any new community college district for its first six years of operation. The request for the new district shall be based upon the same level of funding being provided to the existing districts, and should be sufficient to provide for the growth required to reach a mature enrollment level.**

6. In addition to state funds received for operating purposes, each community college district shall be eligible to receive an annual appropriation, exclusive of any capital appropriations, for the cost of maintenance and repair of facilities and grounds, including surface parking areas, and purchases of equipment and furniture. Such funds shall not exceed in any year an amount equal to ten percent of the state appropriations, exclusive of any capital appropriations, to community college districts for operating purposes during the most recently completed fiscal year. The department of higher education may include in its annual appropriations request the necessary funds to implement the provisions of this subsection and when appropriated shall distribute the funds to each community college district as appropriated. The department of higher education appropriations request shall be for specific maintenance, repair, and equipment projects at specific community college districts, shall be in an amount of fifty percent of the cost of a given project as determined by the coordinating board and shall be only for projects which have been approved by the coordinating board through a process of application, evaluation, and approval as established by the coordinating board. The coordinating board, as part of its process of application, evaluation, and approval, shall require the community college district to provide proof that the fifty-percent share of funding to be defrayed by the district is either on hand or committed for maintenance, repair, and equipment projects. Only salaries or portions of salaries paid which are directly related to approved projects may be used as a part of the fifty-percent share of funding.

[3.] **7. School districts offering two-year college courses pursuant to section 178.370 on October 31, 1961, shall receive state aid pursuant to [subsections 1 and 2] subsection 2, subdivision (1) of subsection 3, and subsection 6 of this section if all scholastic standards established pursuant to sections 178.770 to 178.890 are met.**

[4.] **8. In order to make postsecondary educational opportunities available to Missouri residents who do not reside in an existing community college district, community colleges organized pursuant to section 178.370 or sections 178.770 to 178.890 shall be authorized pursuant to the funding provisions of this section to offer courses and programs outside the community college district with prior approval by the coordinating board for higher education. The classes conducted outside the district shall be self-sustaining except that the coordinating board shall promulgate rules to reimburse selected out-of-district instruction only where prior need has been established in geographical areas designated by the coordinating board for higher education. Funding for such off-campus instruction shall be included in the appropriation recommendations, shall be determined by the general assembly and shall continue, within the amounts appropriated therefor, unless the general assembly disapproves the action by concurrent resolution.**

[5. A "community college" is an institution of higher education deriving financial resources from local, state, and federal sources, and providing postsecondary education primarily for persons above the twelfth grade age level, including courses in:

- (1) Liberal arts and sciences, including general education;
- (2) Occupational, vocational-technical; and
- (3) A variety of educational community services. Community college course offerings lead to the granting of certificates, diplomas, and/or associate degrees, but do not include baccalaureate or higher degrees.

6.] **9.** When distributing state aid authorized for community colleges, the state treasurer may, in any year if requested by a community college, disregard the provision in section 30.180 requiring the state treasurer to convert the warrant requesting payment into a check or draft and wire transfer the amount to be distributed to the community college directly to the community college's designated deposit for credit to the community college's account.

173.670. INITIATIVE ESTABLISHED, PURPOSE, MATCHING GRANTS — FUND CREATED, USE OF MONEYS — AUTHORIZED PROGRAMS. — 1. There is hereby established within the department of higher education the "Missouri Science, Technology, Engineering and Mathematics Initiative". The department of higher education may award matching funds through this initiative to public institutions of higher education as part of the annual appropriations process.

2. The purpose of the initiative shall be to provide support to increase interest among elementary, secondary, and university students in fields of study related to science, technology, engineering, and mathematics and to increase the number of Missouri graduates in these fields at Missouri's public two- and four-year institutions of higher education.

3. There is hereby created a "Science, Technology, Engineering and Mathematics Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. **As part of the initiative, the department of higher education shall develop a process to award grants to Missouri public two- and four-year institutions of higher education and school districts that have entered into articulation agreements to offer information technology certification through technical course work leading to postsecondary academic credit through the program established in section 173.675.**

5. The general assembly may appropriate funds to the science, technology, engineering, and mathematics fund to match institution funds to support the following programs:

- (1) Endowed teaching professor programs, which provide funds to support faculty who teach undergraduate courses in science, technology, engineering, or mathematics fields at public institutions of higher education;

- (2) Scholarship programs, which provide financial aid or loan forgiveness awards to Missouri students who study in the science, technology, engineering, or mathematics fields or who plan to enter the teaching field in Missouri with an emphasis on science, technology, engineering, and mathematics areas;

- (3) Experiential youth programs at public colleges or universities, designed to provide Missouri middle school, junior high, and high school students with the opportunity to experience science, technology, engineering, and mathematics fields through camps or other educational offerings;

- (4) Career enhancement programs for current elementary and secondary teachers and professors at Missouri public and private colleges and universities in the science, technology, engineering, or mathematics fields to improve the quality of teaching.

173.675. INFORMATION TECHNOLOGY CERTIFICATION THROUGH TECHNICAL COURSE WORK, PROGRAM TO BE DEVELOPED, COMPONENTS — RULEMAKING AUTHORITY. — 1. The

department of higher education shall develop a program to offer information technology certification through technical course work that leads to postsecondary academic credit. The program shall be available to students enrolled in a public high school in Missouri that has entered into an articulation agreement with a Missouri public two- or four-year institution of higher education to offer such course work. The program shall provide instruction on skills and competencies essential for the workplace and requested by employers and shall include the following components:

- (1) A web-enabled online curriculum;
- (2) Instructional software for classroom and student use;
- (3) Training for teachers to advance technical education skills;
- (4) Industry recognized skills certification; and
- (5) Integration with existing education standards.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

173.680. STUDY ON MOST FREQUENT IT CERTIFICATIONS REQUESTED BY EMPLOYERS —REPORT. — 1. The department of higher education shall conduct a study to identify the information technology industry certifications most frequently requested by employers in Missouri. The department of higher education may conduct the study with the assistance of other state departments and agencies, the Missouri mathematics and science coalition, and the governor's advisory council on science, technology, engineering, and mathematical issues.

2. The department of higher education shall complete the study no later than January 31, 2015. The department shall prepare the findings in a report and provide it to:

- (1) The president pro tempore of the senate;
- (2) The speaker of the house of representatives;
- (3) The joint committee on education;
- (4) The governor;
- (5) The coordinating board for higher education; and
- (6) The state board of education.

173.1006. PERFORMANCE MEASURES TO BE UTILIZED —BOARD TO EVALUATE EVERY THREE YEARS —REPORT. — 1. [The following performance measures shall be established by July 1, 2008:

- (1) Two institutional measures as negotiated by each public institution through the department of higher education; and
- (2) Three statewide measures as developed by the department of higher education in consultation with public institutions of higher education.

One such measure may be a sector-specific measure making use of the 2005 additional Carnegie categories, if deemed appropriate by the department of higher education.

2. The department shall report to the joint committee on education established in section 160.254 on its progress at least twice a year in developing the statewide measures and negotiating the institution-specific measures and shall develop a procedure for reporting the effects of performance measures to the joint committee on education at an appropriate time for consideration during the appropriations process.] **Each public four-year institution, each**

community college, and the state technical college shall utilize the five institutional performance measures it has submitted to, and that were approved by, the coordinating board for higher education as of the effective date of this act, for performance funding under sections 163.191, 173.1540, and 178.638. Each institution shall adopt, in collaboration with the coordinating board for higher education, an additional institutional performance measure to measure student job placement in a field or position associated with the student's degree level and pursuit of a graduate degree. The institutional performance measure relating to job placement may not be used in any year in which the state unemployment rate has increased from the previous calendar year's state unemployment rate.

2. The coordinating board shall evaluate and, if necessary, revise the institutional performance measures every three years beginning in calendar year 2019 or more frequently at the coordinating board's discretion.

3. The department of higher education shall be responsible for evaluating the effectiveness of the performance funding measures, including their effect on statewide postsecondary, higher education, and workforce goals, and shall submit a report to the governor, the joint committee on education, the speaker of the house of representatives and president pro tempore of the senate by October 31, 2019, and every four years thereafter.

173.1540. INSTITUTIONS TO SUBMIT ANNUAL BUDGET REQUEST TO DEPARTMENT — INCREASES IN CORE FUNDING, ALLOCATION MODEL, REQUIREMENTS — REPORT. — 1. Each public four-year institution of higher education shall annually prepare an institutional budget request and submit it to the department of higher education. The department of higher education shall review all institutional budget requests and prepare appropriation recommendations annually for each public four-year institution of higher education.

2. Unless the general assembly chooses to otherwise appropriate state funding, the appropriation of core-funding increases in state funding to public four-year institutions of higher education shall be in accordance with the increase allocation model, subject to the parameters set forth in subsection 4 of this section. The increase allocation model shall be developed and revised as appropriate cooperatively by the public four-year institutions of higher education and the department of higher education. The department of higher education shall recommend the model to the coordinating board for higher education for its approval by October 31, 2014.

3. The core-funding level for each public four-year institution of higher education shall initially be the appropriated amount for each institution for fiscal year 2015. Increases under subsection 4 of this section shall be incorporated into the core-funding level annually in accordance with the increase allocation model starting with fiscal year 2016.

4. (1) The increase allocation model shall comply with the parameters of this subsection in allocating annual increases in core appropriations to public four-year institutions of higher education.

(2) Unless otherwise provided by the general assembly during the appropriations process, no more than ten percent of any increase in core appropriations shall be distributed to address inequitable state funding through any combination of the following:

(a) Determined on a per-student basis, as determined by calculating full-time equivalency or on such other basis as determined by the department and agreed upon by the institutions. To the extent inequities result from an institution's performance on its performance funding measures adopted under section 173.1006, such inequities shall not be eligible for an allocation under this paragraph; and

(b) Distributed based on weighted full-time equivalent credit hours so as to provide enrollment, program offering, and mission sensitivity on an on-going basis.

(3) Unless otherwise provided by the general assembly during the appropriations process, at least ninety percent of annual increases shall be distributed in accordance with the performance funding model adopted under section 173.1006.

5. The department of higher education shall be responsible for evaluating the effectiveness of the increase allocation model and shall submit a report to the governor, the joint committee on education, the speaker of the house of representatives and the president pro tempore of the senate by October 31, 2019, and every four years thereafter.

178.638. OVERSIGHT OF COLLEGE BY COORDINATING BOARD AND STATE BOARD OF EDUCATION — STATE TO PROVIDE FUNDS, EXCEPTION VOCATIONAL TECHNICAL EDUCATION REIMBURSEMENT TO CONTINUE THROUGH STATE BOARD OF EDUCATION — PERFORMANCE FUNDING MEASURES TO BE USED, WHEN. — 1. State Technical College of Missouri shall be under the oversight of the coordinating board for higher education. The institution shall also be subject to oversight by the state board of education to the extent it serves as an area vocational technical school. Beginning in the first full state fiscal year subsequent to the approval of State Technical College of Missouri's plan by the coordinating board submitted pursuant to section 178.637, the state of Missouri shall, subject to appropriation, provide the funds necessary to provide the staff, cost of operation, and payment of all new capital improvements commencing with that fiscal year.

2. All funds designated for the institution shall be included in the coordinating board's budget request as provided in chapter 173, except that vocational technical education reimbursements shall continue to be requested through the state board of education.

3. Unless the general assembly chooses to otherwise appropriate state funding, beginning with fiscal year 2016, at least ninety percent of any annual increase in core funding over the previous year shall be distributed in accordance with the performance-funding measures under section 173.1006.

340.381. PROGRAM AND FUND CREATED, USE OF MONEYS. — 1. Sections 340.381 to 340.396 establish a student loan forgiveness program for approved veterinary students who practice in areas of defined need. Such program shall be known as the "Dr. Merrill Townley Large Animal Veterinary Student Loan Program".

2. There is hereby created in the state treasury the "Veterinary Student Loan Payment Fund", which shall consist of general revenue appropriated to the large animal veterinary student loan program, voluntary contributions to support or match program activities, money collected under section 340.396, and funds received from the federal government. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of sections 340.381 to 340.396. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

340.396. CONTRACTS NOT REQUIRED, WHEN. — 1. Sections 340.381 to 340.396 shall not be construed to require the department to enter into contracts with individuals who qualify for education loans or loan repayment programs when federal, state, and local funds are not available for such purposes.

2. Sections 340.381 to 340.396 shall not be subject to the provisions of sections 23.250 to 23.298.

[3. Sections 340.381 to 340.396 shall expire on June 30, 2013.]

Approved June 19, 2014

SB 500 [SB 500]

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

Modifies provisions of law relating to no-contest clauses in wills and trusts

AN ACT to repeal section 456.950, RSMo, and enact in lieu thereof four new sections relating to trust instruments.

SECTION

- A. Enacting clause.
- 456.950. Definition — property and interests in property, how held — death of settlor, effect of — marital property rights, effect on.
- 456.2-205. Enforceability of mediation or arbitration provisions.
- 456.4-420. No-contest clause, claims for relief.
- 474.395. No-contest clauses, application of, petition may be filed — definition.

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

SECTION A. ENACTING CLAUSE. — Section 456.950, RSMo, is repealed and four new sections enacted in lieu thereof, to be know as sections 456.950, 456.2-205, 456.4-420, and 474.395, to read as follows:

456.950. DEFINITION — PROPERTY AND INTERESTS IN PROPERTY, HOW HELD — DEATH OF SETTLOR, EFFECT OF — MARITAL PROPERTY RIGHTS, EFFECT ON. — 1. As used in this section, "qualified spousal trust" means a trust:

- (1) The settlors of which are husband and wife at the time of the creation of the trust; and
- (2) The terms of which provide that during the joint lives of the settlors all property or interests in property transferred to, or held by, the trustee are:
 - (a) Held and administered in one trust for the benefit of both settlors, revocable by either or both settlors acting together while either or both are alive, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or
 - (b) Held and administered in two separate shares of one trust for the benefit of each of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or
 - (c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section.

3. **Any** property or interests in property [held as tenants by the entirety by a husband and wife] that is at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are the settlors, shall **thereafter** be [held and] administered as provided by the trust terms in accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this section[, and all such]. **All trust** property and interests in property **that is deemed for purposes of this section to be held as tenants by the entirety**, including the proceeds thereof,

the income thereon, and any property into which such property, proceeds, or income may be converted, shall [thereafter] have the same immunity from the claims of the separate creditors of the settlors as would have existed if the settlors had continued to hold that property as husband and wife as tenants by the entirety. **Property or interest in property held by a husband and wife as tenants by the entirety or as joint tenants or other form of joint ownership with right of survivorship shall be conclusively deemed for purposes of this section to be held as tenants by the entirety upon its transfer to the qualified spousal trust. All such transfers shall retain said immunity,** so long as:

- (1) Both settlors are alive and remain married; and
- (2) The property, proceeds, or income continue to be held in trust by the trustee of the qualified spousal trust.

4. Property or interests in property held by a husband and wife or held in the sole name of a husband or wife that is not held as tenants by the entirety **or deemed held as tenants by the entirety for purposes of this section** and is transferred to a qualified spousal trust shall be held as directed in the qualified spousal trust's governing instrument or in the instrument of transfer and the rights of any claimant to any interest in that property shall not be affected by this section.

5. Upon the death of each settlor, all property and interests in property held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the property or interests in property in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect or change either settlor's marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses otherwise expressly agree in writing.

7. This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before or after August 28, 2011.

456.2-205. ENFORCEABILITY OF MEDIATION OR ARBITRATION PROVISIONS. — 1. Subject to the exception in subsection 2 of this section, a provision in a trust instrument requiring the mediation or arbitration of disputes between or among the beneficiaries, a fiduciary, a person granted nonfiduciary powers under the trust instrument, or any combination of such persons is enforceable.

2. A provision in a trust instrument requiring the mediation or arbitration of disputes relating to the validity of a trust is not enforceable unless all interested persons with regard to the dispute consent to the mediation or arbitration of the dispute.

456.4-420. NO-CONTEST CLAUSE, CLAIMS FOR RELIEF. — 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before

proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction or otherwise, on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law, including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;

(4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

(5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;

(6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;

(7) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.

8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys' fees to any party, as provided in section 456.10-1004.

474.395. NO-CONTEST CLAUSES, APPLICATION OF, PETITION MAY BE FILED — DEFINITION. — 1. If a will contains a no-contest clause, an interested person may file a petition with the court for a determination whether a particular motion, petition, action, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy, which application would be adjudicated in the manner prescribed in section 456.4-420, and subject to the provisions set forth therein.

2. For purposes of this section, a "no-contest clause" shall mean a provision in a will purporting to rescind a donative transfer to, or a fiduciary appointment of, any person who institutes a proceeding challenging the validity of all or part of the will, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in the estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term no-contest clause shall also mean an "in terrorem clause".

Approved June 23, 2014

SB 504 [HCS SB 504]

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

Requires state agencies to post proposed rules, summaries, and fiscal notes on their websites

AN ACT to repeal section 536.016, RSMo, and to enact in lieu thereof one new section relating to the availability of proposed rules on the internet.

SECTION

A. Enacting clause.
536.016. Requirements for rulemaking — proposed rules to be made available on agency website.

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

SECTION A. ENACTING CLAUSE. — Section 536.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 536.016, to read as follows:

536.016. REQUIREMENTS FOR RULEMAKING — PROPOSED RULES TO BE MADE AVAILABLE ON AGENCY WEBSITE. — 1. Any state agency shall propose rules based upon substantial evidence on the record and a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority.

2. Each state agency shall adopt procedures by which it will determine whether a rule is necessary to carry out the purposes of the statute authorizing the rule. Such criteria and rulemaking shall be based upon reasonably available empirical data and shall include an assessment of the effectiveness and the cost of rules both to the state and to any private or public person or entity affected by such rules.

3. Each state agency shall make publicly available proposed rules on the home page of its official internet website by providing a hyperlink entitled "proposed rules". This hyperlink shall grant access to an internet page which shall provide the following information for each proposed rule within one business day of when such rule is published in the Missouri register:

(1) The text of the proposed rule as filed with the secretary of state pursuant to section 536.021, including any fiscal notes;

(2) A summary which shall be a concise statement not exceeding one hundred words using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed rule; and

(3) A direct hyperlink to the full text of the proposed rule located in the Missouri register and all material incorporated by reference on the secretary of state's website.

Approved July 2, 2014

SB 509 [SS#3 SCS SBs 509 & 496]

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

Modifies provisions relating to income taxes

AN ACT to repeal sections 143.011, 143.021, and 143.151, RSMo, and to enact in lieu thereof four new sections relating to income taxes.

SECTION

A. Enacting clause.

143.011. Resident individuals — tax rates.

143.021. Tax determined by rates in Section 143.011.

143.022. Deduction for business income — business income defined — increase in percentage of subtraction, when.

143.151. Missouri personal exemptions.

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

SECTION A. ENACTING CLAUSE. — Sections 143.011, 143.021, and 143.151, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 143.011, 143.021, 143.022, and 143.151, to read as follows:

143.011. RESIDENT INDIVIDUALS — TAX RATES. — **1.** A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000

Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. The top rate of tax shall not be reduced below five and one-half percent. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half of a percent.

3. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

4. As used in this section, the following terms mean:

(1) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015;

(2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index.

143.021. TAX DETERMINED BY RATES IN SECTION 143.011. — Every resident having a taxable income [of less than nine thousand dollars] shall determine his or her tax from [a tax table prescribed by the director of revenue and based upon] the rates provided in section 143.011. [The tax table shall be on the basis of one hundred dollar increments of taxable income below nine thousand dollars. The tax provided in the table shall be the amount rounded to the nearest whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint of each increment, except] There shall be no tax on a taxable income of less than one hundred dollars. [Every resident having a taxable income of nine thousand dollars or more shall determine his tax from the rate provided in section 143.011.]

143.022. DEDUCTION FOR BUSINESS INCOME — BUSINESS INCOME DEFINED — INCREASE IN PERCENTAGE OF SUBTRACTION, WHEN. — 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; and

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income.

3. In the case of an S corporation described in section 143.471 or a partnership, computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivisions (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

(1) The shareholders of an S corporation as described in section 143.471;

(2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty-five percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.

143.151. MISSOURI PERSONAL EXEMPTIONS. — For all taxable years beginning before January 1, 1999, a resident shall be allowed a deduction of one thousand two hundred dollars for himself or herself and one thousand two hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes. For all taxable years beginning on or after January 1, 1999, a resident shall be allowed a deduction of two thousand one hundred dollars for himself or herself and two thousand one hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes. **For all tax years beginning on or after January 1, 2017, a resident with a Missouri adjusted gross income of less than twenty thousand dollars shall be allowed an additional deduction of five hundred dollars for himself or herself and an additional five hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes and his or her spouse's Missouri adjusted gross income is less than twenty thousand dollars.**

Vetoed May 1, 2014
Overridden May 6, 2014

SB 510 [SS SCS SB 510]

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

Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits

AN ACT to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

SECTION

- A. Enacting clause.
288.030. Definitions — calculation of Missouri average annual wage.
288.050. Benefits denied unemployed workers, when — pregnancy, requirements for benefit eligibility.

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

SECTION A. ENACTING CLAUSE. — Sections 288.030 and 288.050, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 288.030 and 288.050, to read as follows:

- 288.030. DEFINITIONS — CALCULATION OF MISSOURI AVERAGE ANNUAL WAGE.** — 1. As used in this chapter, unless the context clearly requires otherwise, the following terms mean:
- (1) "Appeals tribunal", a referee or a body consisting of three referees appointed to conduct hearings and make decisions on appeals from administrative determinations, petitions for reassessment, and claims referred pursuant to subsection 2 of section 288.070;
 - (2) "Base period", the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year;
 - (3) "Benefit year", the one-year period beginning with the first day of the first week with respect to which an insured worker first files an initial claim for determination of such worker's insured status, and thereafter the one-year period beginning with the first day of the first week with respect to which the individual, providing the individual is then an insured worker, next files such an initial claim after the end of the individual's last preceding benefit year;
 - (4) "Benefits", the money payments payable to an insured worker, as provided in this chapter, with respect to such insured worker's unemployment;
 - (5) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first;
 - (6) "Claimant", an individual who has filed an initial claim for determination of such individual's status as an insured worker, a notice of unemployment, a certification for waiting week credit, or a claim for benefits;
 - (7) "Commission", the labor and industrial relations commission of Missouri;
 - (8) "Common paymaster", two or more related corporations in which one of the corporations has been designated to disburse remuneration to concurrently employed individuals of any of the related corporations;
 - (9) "Contributions", the money payments to the unemployment compensation fund required by this chapter, exclusive of interest and penalties;
 - (10) "Decision", a ruling made by an appeals tribunal or the commission after a hearing;

(11) "Deputy", a representative of the division designated to make investigations and administrative determinations on claims or matters of employer liability or to perform related work;

(12) "Determination", any administrative ruling made by the division without a hearing;

(13) "Director", the administrative head of the division of employment security;

(14) "Division", the division of employment security which administers this chapter;

(15) "Employing unit", any individual, organization, partnership, corporation, common paymaster, or other legal entity, including the legal representatives thereof, which has or, subsequent to June 17, 1937, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Each individual engaged to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by such employing unit for all the purposes of this chapter, whether such individual was engaged or paid directly by such employing unit or by such person, provided the employing unit had actual or constructive knowledge of the work;

(16) "Employment office", a free public employment office operated by this or any other state as a part of a state controlled system of public employment offices including any location designated by the state as being a part of the one-stop career system;

(17) "Equipment", a motor vehicle, straight truck, tractor, semi-trailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of property for hire;

(18) "Fund", the unemployment compensation fund established by this chapter;

(19) "Governmental entity", the state, any political subdivision thereof, any instrumentality of any one or more of the foregoing which is wholly owned by this state and one or more other states or political subdivisions and any instrumentality of this state or any political subdivision thereof and one or more other states or political subdivisions;

(20) "Initial claim", an application, in a form prescribed by the division, made by an individual for the determination of the individual's status as an insured worker;

(21) "Insured work", employment in the service of an employer;

(22) (a) As to initial claims filed after December 31, 1990, "insured worker", a worker who has been paid wages for insured work in the amount of one thousand dollars or more in at least one calendar quarter of such worker's base period and total wages in the worker's base period equal to at least one and one-half times the insured wages in that calendar quarter of the base period in which the worker's insured wages were the highest, or in the alternative, a worker who has been paid wages in at least two calendar quarters of such worker's base period and whose total base period wages are at least one and one-half times the maximum taxable wage base, taxable to any one employer, in accordance with subsection 2 of section 288.036. For the purposes of this definition, "wages" shall be considered as wage credits with respect to any benefit year, only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has become an employer;

(b) As to initial claims filed after December 31, 2004, wages for insured work in the amount of one thousand two hundred dollars or more, after December 31, 2005, one thousand three hundred dollars or more, after December 31, 2006, one thousand four hundred dollars or more, after December 31, 2007, one thousand five hundred dollars or more in at least one calendar quarter of such worker's base period and total wages in the worker's base period equal to at least one and one-half times the insured wages in that calendar quarter of the base period in which the worker's insured wages were the highest, or in the alternative, a worker who has been paid wages in at least two calendar quarters of such worker's base period and whose total base period wages are at least one and one-half times the maximum taxable wage base, taxable to any one employer, in accordance with subsection 2 of section 288.036;

(23) "Misconduct", [an act of wanton or willful disregard of the employer's interest, a deliberate violation of the employer's rules, a disregard of standards of behavior which the employer has the right to expect of his or her employee, or negligence in such degree or recurrence as to manifest culpability, wrongful intent or evil design, or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer] **only as the term is used in this chapter, conduct or failure to act in a manner that is connected with work, regardless of whether such conduct or failure to act occurs at the workplace or during work hours, which shall include:**

(a) Conduct or a failure to act demonstrating knowing disregard of the employer's interest or a knowing violation of the standards which the employer expects of his or her employee;

(b) Conduct or a failure to act demonstrating carelessness or negligence in such degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard of the employer's interest or of the employee's duties and obligations to the employer;

(c) A violation of an employer's no-call, no-show policy; chronic absenteeism or tardiness in violation of a known policy of the employer; or two or more unapproved absences following a written reprimand or warning relating to an unapproved absence unless such absences are protected by law;

(d) A knowing violation of a state standard or regulation by an employee of an employer licensed or certified by the state, which would cause the employer to be sanctioned or have its license or certification suspended or revoked; or

(e) A violation of an employer's rule, unless the employee can demonstrate that:

a. He or she did not know, and could not reasonably know, of the rule's requirements;

b. The rule is not lawful; or

c. The rule is not fairly or consistently enforced;

(24) "Referee", a representative of the division designated to serve on an appeals tribunal;

(25) "State" includes, in addition to the states of the United States of America, the District of Columbia, Puerto Rico, the Virgin Islands, and the Dominion of Canada;

(26) "Temporary employee", an employee assigned to work for the clients of a temporary help firm;

(27) "Temporary help firm", a firm that hires its own employees and assigns them to clients to support or supplement the clients' workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects;

(28) (a) An individual shall be deemed "totally unemployed" in any week during which the individual performs no services and with respect to which no wages are payable to such individual;

(b) a. An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to such individual for such week do not equal or exceed the individual's weekly benefit amount plus twenty dollars;

b. Effective for calendar year 2007 and each year thereafter, an individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to such individual for such week do not equal or exceed the individual's weekly benefit amount plus twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater;

(c) An individual's "week of unemployment" shall begin the first day of the calendar week in which the individual registers at an employment office except that, if for good cause the individual's registration is delayed, the week of unemployment shall begin the first day of the calendar week in which the individual would have otherwise registered. The requirement of registration may by regulation be postponed or eliminated in respect to claims for partial unemployment or may by regulation be postponed in case of a mass layoff due to a temporary cessation of work;

(29) "Waiting week", the first week of unemployment for which a claim is allowed in a benefit year or if no waiting week has occurred in a benefit year in effect on the effective date

of a shared work plan, the first week of participation in a shared work unemployment compensation program pursuant to section 288.500.

2. The Missouri average annual wage shall be computed as of June thirtieth of each year, and shall be applicable to the following calendar year. The Missouri average annual wage shall be calculated by dividing the total wages reported as paid for insured work in the preceding calendar year by the average of mid-month employment reported by employers for the same calendar year. The Missouri average weekly wage shall be computed by dividing the Missouri average annual wage as computed in this subsection by fifty-two.

288.050. BENEFITS DENIED UNEMPLOYED WORKERS, WHEN — PREGNANCY, REQUIREMENTS FOR BENEFIT ELIGIBILITY. — 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer. A temporary employee of a temporary help firm will be deemed to have voluntarily quit employment if the employee does not contact the temporary help firm for reassignment prior to filing for benefits. Failure to contact the temporary help firm will not be deemed a voluntary quit unless the claimant has been advised of the obligation to contact the firm upon completion of assignments and that unemployment benefits may be denied for failure to do so. **"Good cause", for the purposes of this subdivision, shall include only that cause which would compel a reasonable employee to cease working or which would require separation from work due to illness or disability.** The claimant shall not be disqualified:

(a) If the deputy finds the claimant quit such work for the purpose of accepting a more remunerative job which the claimant did accept and earn some wages therein;

(b) If the claimant quit temporary work to return to such claimant's regular employer; or

(c) If the deputy finds the individual quit work, which would have been determined not suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within twenty-eight calendar days of the first day worked;

(d) As to initial claims filed after December 31, 1988, if the claimant presents evidence supported by competent medical proof that she was forced to leave her work because of pregnancy, notified her employer of such necessity as soon as practical under the circumstances, and returned to that employer and offered her services to that employer as soon as she was physically able to return to work, as certified by a licensed and practicing physician, but in no event later than ninety days after the termination of the pregnancy. An employee shall have been employed for at least one year with the same employer before she may be provided benefits pursuant to the provisions of this paragraph;

(e) If the deputy finds that, due to the spouse's mandatory and permanent military change of station order, the claimant quit work to relocate with the spouse to a new residence from which it is impractical to commute to the place of employment and the claimant remained employed as long as was reasonable prior to the move. The claimant's spouse shall be a member of the U.S. Armed Forces who is on active duty, or a member of the National Guard or other reserve component of the U.S. Armed Forces who is on active National Guard or reserve duty. The provisions of this paragraph shall only apply to individuals who have been determined to be an insured worker as provided in subdivision (22) of subsection 1 of section 288.030;

(2) That the claimant has retired pursuant to the terms of a labor agreement between the claimant's employer and a union duly elected by the employees as their official representative or in accordance with an established policy of the claimant's employer; or

(3) That the claimant failed without good cause either to apply for available suitable work when so directed by a deputy of the division or designated staff of an employment office as defined in subsection 1 of section 288.030, or to accept suitable work when offered the claimant, either through the division or directly by an employer by whom the individual was formerly

employed, or to return to the individual's customary self-employment, if any, when so directed by the deputy. An offer of work shall be rebuttably presumed if an employer notifies the claimant in writing of such offer by sending an acknowledgment via any form of certified mail issued by the United States Postal Service stating such offer to the claimant at the claimant's last known address. Nothing in this subdivision shall be construed to limit the means by which the deputy may establish that the claimant has or has not been sufficiently notified of available work.

(a) In determining whether or not any work is suitable for an individual, the division shall consider, among other factors and in addition to those enumerated in paragraph (b) of this subdivision, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training, the individual's experience and prior earnings, the individual's length of unemployment, the individual's prospects for securing work in the individual's customary occupation, the distance of available work from the individual's residence and the individual's prospect of obtaining local work; except that, if an individual has moved from the locality in which the individual actually resided when such individual was last employed to a place where there is less probability of the individual's employment at such individual's usual type of work and which is more distant from or otherwise less accessible to the community in which the individual was last employed, work offered by the individual's most recent employer if similar to that which such individual performed in such individual's last employment and at wages, hours, and working conditions which are substantially similar to those prevailing for similar work in such community, or any work which the individual is capable of performing at the wages prevailing for such work in the locality to which the individual has moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable for the individual;

(b) Notwithstanding any other provisions of this law, no work shall be deemed suitable and benefits shall not be denied pursuant to this law to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;
- b. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
- c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

2. If a deputy finds that a claimant has been discharged for misconduct connected with the claimant's work, such claimant shall be disqualified for waiting week credit and benefits, and no benefits shall be paid nor shall the cost of any benefits be charged against any employer for any period of employment within the base period until the claimant has earned wages for work insured under the unemployment laws of this state or any other state as prescribed in this section. In addition to the disqualification for benefits pursuant to this provision the division may in the more aggravated cases of misconduct cancel all or any part of the individual's wage credits, which were established through the individual's employment by the employer who discharged such individual, according to the seriousness of the misconduct. A disqualification provided for pursuant to this subsection shall not apply to any week which occurs after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state in an amount equal to six times the claimant's weekly benefit amount. Should a claimant be disqualified on a second or subsequent occasion within the base period or subsequent to the base period the claimant shall be required to earn wages in an amount equal to or in excess of six times the claimant's weekly benefit amount for each disqualification.

3. [Absenteeism or tardiness may constitute a rebuttable presumption of misconduct, regardless of whether the last incident alone constitutes misconduct, if the discharge was the result of a violation of the employer's attendance policy, provided the employee had received knowledge of such policy prior to the occurrence of any absence or tardy upon which the discharge is based.

4.] Notwithstanding the provisions of subsection 1 of this section, a claimant may not be determined to be disqualified for benefits because the claimant is in training approved pursuant

to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended), or because the claimant left work which was not suitable employment to enter such training. For the purposes of this subsection "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than eighty percent of the worker's average weekly wage as determined for the purposes of the Trade Act of 1974.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 525 [HCS SS SB 525]

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

Modifies provisions relating to food preparation and production

AN ACT to amend chapter 196, RSMo, by adding thereto two new sections relating to food safety.

SECTION

- A. Enacting clause.
 196.056. Charitable fundraising events, nonprofit organization may prepare food in private home — notification to consumer — exceptions.
 196.298. Definitions — operation not deemed food service establishment, when — no state or local regulation.

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

SECTION A. ENACTING CLAUSE. — Chapter 196, RSMo, is amended by adding thereto two new sections, to be known as sections 196.056 and 196.298, to read as follows:

196.056. CHARITABLE FUNDRAISING EVENTS, NONPROFIT ORGANIZATION MAY PREPARE FOOD IN PRIVATE HOME — NOTIFICATION TO CONSUMER — EXCEPTIONS. — 1. A nonprofit organization may prepare food in a private home or other area for distribution to the end consumer at a charitable fundraising event.

2. The nonprofit organization may inform the consumer by placing a clearly visible placard at the serving location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

3. The nonprofit organization may notify the regulatory authority in writing or via electronic mail prior to the beginning of the event. If made, such notification shall include the following: name of the nonprofit organization; date, time, and location of the event; and name and contact information of the person responsible for the event.

4. This section does not apply to a food establishment regulated by the department of health and senior services providing food for the event.

5. This section shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any city not within a county, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, and any

county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

6. Nothing in this section shall be construed to prohibit the authority of the department of health and senior services or local health departments to conduct an investigation of a foodborne disease or outbreak.

196.298. DEFINITIONS — OPERATION NOT DEEMED FOOD SERVICE ESTABLISHMENT, WHEN — NO STATE OR LOCAL REGULATION. — 1. As used in this section, the following terms shall mean:

(1) "Baked good", includes cookies, cakes, breads, danish, donuts, pastries, pies, and other items that are prepared by baking the item in an oven. A baked good does not include a potentially hazardous food item as defined by department rule;

(2) "Cottage food production operation", an individual operation out of the individual's home who:

(a) Produces a baked good, a canned jam or jelly, or a dried herb or herb mix for sale at the individual's home;

(b) Has an annual gross income of fifty thousand dollars or less from the sale of food described in paragraph (a) of this subdivision; and

(c) Sells the food produced under paragraph (a) of this subdivision only directly to consumers;

(3) "Department", the department of health and senior services;

(4) "Home", a primary residence that contains a kitchen and appliances designed for common residential usage.

2. A cottage food production operation is not a food service establishment and shall not be subject to any health or food code laws or regulations of the state or department other than this section and rules promulgated thereunder for a cottage food production operation.

3. (1) A local health department shall not regulate the production of food at a cottage food production operation.

(2) Each local health department and the department shall maintain a record of a complaint made by a person against a cottage food production operation.

4. The department shall promulgate rules requiring a cottage food production operation to label all of the foods described in this section which the operation intends to sell to consumers. The label shall include the name and address of the cottage food production operation and a statement that the food is not inspected by the department or local health department.

5. A cottage food production operation shall not sell any foods described in this section through the internet.

6. Nothing in this section shall be construed to prohibit the authority of the department of health and senior services or local health departments to conduct an investigation of a foodborne disease or outbreak.

Approved July 2, 2014

SB 527 [SB 527]

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

Designates each March 27th as "Medical Radiation Safety Awareness Day"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of medical radiation safety awareness day.

SECTION

A. Enacting clause.

9.179. Medical radiation safety awareness day designated for March 27th.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.179, to read as follows:

9.179. MEDICAL RADIATION SAFETY AWARENESS DAY DESIGNATED FOR MARCH 27TH. — **March twenty-seventh of each year shall be designated as "Medical Radiation Safety Awareness Day" in Missouri. The citizens of this state and our health care professionals' community are encouraged to observe the day with activities designed to educate and enhance the awareness of not only the benefits of radiographic medical procedures, but the potential dangers of overexposure to radiation during diagnostic imaging and radiation therapy as well in order to reduce the frequency of adverse events and allow our citizens to make informed decisions about their medical care.**

Approved July 10, 2014

SB 529 [SCS SB 529]

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

Modifies the Missouri Public Prompt Payment Act and the law relating to public works projects

AN ACT to repeal sections 34.057 and 107.170, RSMo, and to enact in lieu thereof two new sections relating to the payment of public works projects.

SECTION

A. Enacting clause.

34.057. Public works contracts — prompt payment by public owner to contractor, engineer, architect, or surveyor — prompt payment by contractor to subcontractor — progress payments — retainage — late payment charges — withholding of payments.

107.170. Bond — public works contractor — defense of employees from suit, exceptions.

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

SECTION A. ENACTING CLAUSE. — Sections 34.057 and 107.170, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 34.057 and 107.170, to read as follows:

34.057. PUBLIC WORKS CONTRACTS — PROMPT PAYMENT BY PUBLIC OWNER TO CONTRACTOR, ENGINEER, ARCHITECT, OR SURVEYOR — PROMPT PAYMENT BY CONTRACTOR TO SUBCONTRACTOR — PROGRESS PAYMENTS — RETAINAGE — LATE PAYMENT CHARGES — WITHHOLDING OF PAYMENTS. — 1. Unless contrary to any federal funding requirements or unless funds from a state grant are not timely received by the contracting public municipality but notwithstanding any other law to the contrary, all public works contracts made and awarded by the appropriate officer, board or agency of the state or of a political subdivision of the state or of any district therein, including any municipality, county and any board referred to as the public owner, for construction, reconstruction or alteration of any public works project, shall provide for prompt payment by the public owner to the contractor,

and **any professional engineer, architect, landscape architect, or land surveyor, as well as** prompt payment by the contractor to the subcontractor and material supplier in accordance with the following:

(1) A public owner shall make progress payments to the contractor **and any professional engineer, architect, landscape architect, or land surveyor** on at least a monthly basis as the work progresses, or, on a lump sum basis according to the terms of the lump sum contract. Except in the case of lump sum contracts, payments shall be based upon estimates prepared at least monthly of work performed and material delivered, as determined by the project architect or engineer. Retainage withheld on **any construction contract or subcontract for public works projects** shall not exceed five percent of the value of the contract or subcontract [unless the public owner and the architect or engineer determine that a higher rate of retainage is required to ensure performance of the contract. Retainage, however, shall not exceed ten percent of the value of the contract or subcontract. Except as provided in subsection 4 of this section,]. **If the contractor is not required to obtain a bond under section 107.170 because the cost of the public works contract is not estimated to exceed fifty thousand dollars, the public owner may withhold retainage on the public works project in an amount not to exceed ten percent of the value of the contract or subcontract.** The public owner shall pay the contractor the amount due, less a retainage [not to exceed ten percent], within thirty days following the latter of the following:

- (a) The date of delivery of materials or construction services purchased;
- (b) The date, as designated by the public owner, upon which the invoice is duly delivered to the person or place designated by the public owner; or
- (c) In those instances in which the contractor approves the public owner's estimate, the date upon which such notice of approval is duly delivered to the person or place designated by the public owner;

(2) Payments shall be considered received within the context of this section when they are duly posted with the United States Postal Service or other agreed upon delivery service or when they are hand-delivered to an authorized person or place as agreed to by the contracting parties;

(3) If, in the discretion of the owner and the project architect or engineer and the contractor, it is determined that a subcontractor's performance has been completed and the subcontractor can be released prior to substantial completion of the public works contract without risk to the public owner, the contractor shall request such adjustment in retainage, if any, from the public owner as necessary to enable the contractor to pay the subcontractor in full. The public owner may reduce or eliminate retainage on any contract payment if, in the public owner's opinion, the work is proceeding satisfactorily. If retainage is released and there are any remaining minor items to be completed, an amount equal to [two] **one hundred fifty percent** of the value of each item as determined by the public owner's duly authorized [representative] **representatives** shall be withheld until such item or items are completed;

(4) The public owner shall pay **at least ninety-eight percent** of the retainage, less any offsets or deductions authorized in the contract or otherwise authorized by law, to the contractor. **The contractor shall pay the subcontractor or supplier** after substantial completion of the contract work and acceptance by the public owner's authorized contract representative, or as may otherwise be provided by the contract specifications for state highway, road or bridge projects administered by the state highways and transportation commission. Such payment shall be made within thirty days after acceptance, and the invoice and all other appropriate documentation and certifications in complete and acceptable form are provided, as may be required by the contract documents. **If the public owner or the owner's representative determines the work is not substantially completed and accepted, then the owner or the owner's representative shall provide a written explanation of why the work is not considered substantially completed and accepted within fourteen calendar days to the contractor, who shall then provide such notice to the subcontractor or suppliers responsible for such work. If such written explanation is not given by the public body, the public body shall pay at least ninety-eight**

percent of the retainage within thirty calendar days. If at that time there are any remaining minor items to be completed, an amount equal to [two] **one hundred fifty** percent of the value of each item as determined by the public owner's representative shall be withheld until such items are completed;

(5) All estimates or invoices for supplies and services purchased, approved and processed, or final payments, shall be paid promptly and shall be subject to late payment charges provided in this section. Except as provided in subsection 4 of this section, if the contractor has not been paid within thirty days as set forth in subdivision (1) of subsection 1 of this section, the contracting agency shall pay the contractor, in addition to the payment due him, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until fully paid;

(6) When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier his application less any retention not to exceed [ten] **five** percent. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment. When, however, the public owner does not release the full payment due under the contract because there are specific areas of work or materials he is rejecting or because he has otherwise determined such areas are not suitable for payment then those specific subcontractors or suppliers involved shall not be paid for that portion of the work rejected or deemed not suitable for payment; **provided the public owner or the owner's representative gives a written explanation to the contractor, subcontractor, or supplier involved as to why the work or supplies were rejected or deemed not suitable for payment**, and all other subcontractors and suppliers shall be paid in full;

(7) If the contractor, without reasonable cause, fails to make any payment to his subcontractors and material suppliers within fifteen days after receipt of payment under the public construction contract, the contractor shall pay to his subcontractors and material suppliers, in addition to the payment due them, interest in the amount of one and one-half percent per month, calculated from the expiration of the fifteen-day period until fully paid. This subdivision shall also apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain;

(8) The public owner shall make final payment of all moneys owed to the contractor, **including any retainage withheld under subdivision (4) of this subsection**, less any offsets or deductions authorized in the contract or otherwise authorized by law, within thirty days of the due date. Final payment shall be considered due upon the earliest of the following events:

(a) Completion of the project and filing with the owner of all required documentation and certifications, in complete and acceptable form, in accordance with the terms and conditions of the contract;

(b) The project is certified by the architect or engineer authorized to make such certification on behalf of the owner as having been completed, including the filing of all documentation and certifications required by the contract, in complete and acceptable form; or

(c) The project is certified by the contracting authority as having been completed, including the filing of all documentation and certifications required by the contract, in complete and acceptable form.

2. Nothing in this section shall prevent the contractor or subcontractor, at the time of application or certification to the public owner or contractor, from withholding such applications or certifications to the owner or contractor for payment to the subcontractor or material supplier. Amounts intended to be withheld shall not be included in such applications or certifications to the public owner or contractor. Reasons for withholding such applications or certifications shall include, but not be limited to, the following: unsatisfactory job progress;

defective construction work or material not remedied; disputed work; failure to comply with other material provisions of the contract; third party claims filed or reasonable evidence that a claim will be filed; failure of the subcontractor to make timely payments for labor, equipment and materials; damage to a contractor or another subcontractor or material supplier; reasonable evidence that the contract can not be completed for the unpaid balance of the subcontract sum or a reasonable amount for retention, not to exceed the initial percentage retained by the owner.

3. Should the contractor determine, after application or certification has been made and after payment has been received from the public owner, or after payment has been received by a contractor based upon the public owner's estimate of materials in place and work performed as provided by contract, that all or a portion of the moneys needs to be withheld from a specific subcontractor or material supplier for any of the reasons enumerated in this section, and such moneys are withheld from such subcontractor or material supplier, then such undistributed amounts shall be specifically identified in writing and deducted from the next application or certification made to the public owner or from the next estimate by the public owner of payment due the contractor, until a resolution of the matter has been achieved. Disputes shall be resolved in accordance with the terms of the contract documents. Upon such resolution the amounts withheld by the contractor from the subcontractor or material supplier shall be included in the next application or certification made to the public owner or the next estimate by the public owner and shall be paid promptly in accordance with the provisions of this section. This subsection shall also apply to applications or certifications made by subcontractors or material suppliers to the contractor and throughout the various tiers of the contracting chain.

4. The contracts which provide for payments to the contractor based upon the public owner's estimate of materials in place and work performed rather than applications or certifications submitted by the contractor, the public owner shall pay the contractor within thirty days following the date upon which the estimate is required by contract to be completed by the public owner, the amount due less a retainage not to exceed five percent. All such estimates by the public owner shall be paid promptly and shall be subject to late payment charges as provided in this subsection. After the thirtieth day following the date upon which the estimate is required by contract to be completed by the public owner, the contracting agency shall pay the contractor, in addition to the payment due him, interest at a rate of one and one-half percent per month calculated from the expiration of the thirty-day period until fully paid.

5. The public owner shall pay or cause to be paid to any professional engineer, architect, landscape architect, or land surveyor the amount due within thirty days following the receipt of an invoice prepared and submitted in accordance with the contract terms. In addition to the payment due, the contracting agency shall pay interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until fully paid.

6. Nothing in this section shall prevent the owner from withholding payment or final payment from the contractor, or a subcontractor or material supplier. Reasons for withholding payment or final payment shall include, but not be limited to, the following: liquidated damages; unsatisfactory job progress; defective construction work or material not remedied; disputed work; failure to comply with any material provision of the contract; third party claims filed or reasonable evidence that a claim will be filed; failure to make timely payments for labor, equipment or materials; damage to a contractor, subcontractor or material supplier; reasonable evidence that a subcontractor or material supplier cannot be fully compensated under its contract with the contractor for the unpaid balance of the contract sum; or citation by the enforcing authority for acts of the contractor or subcontractor which do not comply with any material provision of the contract and which result in a violation of any federal, state or local law, regulation or ordinance applicable to that project causing additional costs or damages to the owner.

7. Nothing in this section shall be construed to require direct payment by a public owner to a subcontractor or supplier, except in the case of the default, as determined by

a court, of the contractor on the contract with the public owner where no performance or payment bond is required or where the surety fails to execute its duties, as determined by a court.

[6.] **8.** Notwithstanding any other provisions in this section to the contrary, no late payment interest shall be due and owing for payments which are withheld in good faith for reasonable cause pursuant to subsections [2 and 5] **2, 5, and 6** of this section. If it is determined by a court of competent jurisdiction that a payment which was withheld pursuant to subsections [2 and 5] **2, 5, and 6** of this section was not withheld in good faith for reasonable cause, the court may impose interest at the rate of one and one-half percent per month calculated from the date of the invoice and may, in its discretion, award reasonable attorney fees to the prevailing party. In any civil action or part of a civil action brought pursuant to this section, if a court determines after a hearing for such purpose that the cause was initiated, or a defense was asserted, or a motion was filed, or any proceeding therein was done frivolously and in bad faith, the court shall require the party who initiated such cause, asserted such defense, filed such motion, or caused such proceeding to be had to pay the other party named in such action the amount of the costs attributable thereto and reasonable expenses incurred by such party, including reasonable attorney fees.

107.170. BOND — PUBLIC WORKS CONTRACTOR — DEFENSE OF EMPLOYEES FROM SUIT, EXCEPTIONS. — 1. As used in this section, the following terms mean:

(1) "Contractor", a person or business entity who provides construction services under contract to a public entity. Contractor specifically does not include professional engineers, architects or land surveyors licensed pursuant to chapter 327, those who provide environmental assessment services or those who design, create or otherwise provide works of art under a city's formally established program for the acquisition and installation of works of art and other aesthetic adomments to public buildings and property;

(2) "Public entity", any official, board, commission or agency of this state or any county, city, town, township, school, road district or other political subdivision of this state;

(3) "Public works", the erection, construction, alteration, repair or improvement of any building, road, street, public utility or other public facility owned by the public entity.

2. It is hereby made the duty of all public entities in this state, in making contracts for public works, the cost of which is estimated to exceed [twenty-five] **fifty** thousand dollars, to be performed for the public entity, to require every contractor for such work to furnish to the public entity, a bond with good and sufficient sureties, in an amount fixed by the public entity, and such bond, among other conditions, shall be conditioned for the payment of any and all materials, incorporated, consumed or used in connection with the construction of such work, and all insurance premiums, both for compensation, and for all other kinds of insurance, said work, and for all labor performed in such work whether by subcontractor or otherwise.

3. All bonds executed and furnished under the provisions of this section shall be deemed to contain the requirements and conditions as herein set out, regardless of whether the same be set forth in said bond, or of any terms or provisions of said bond to the contrary notwithstanding.

4. Nothing in this section shall be construed to require a member of the school board of any public school district of this state to independently confirm the existence or solvency of any bonding company if a contractor represents to the member that the bonding company is solvent and that the representations made in the purported bond are true and correct. This subsection shall not relieve from any liability any school board member who has any actual knowledge of the insolvency of any bonding company, or any school board member who does not act in good faith in complying with the provisions of subsection 2 of this section.

5. A public entity may defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, against any claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of a duty under

this section. The provisions of this subsection do not apply in case of malfeasance in office or willful or wanton neglect of duty.

Approved June 20, 2014

SB 530 [HCS SCS SB 530]

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

Allows for drug use or convictions to be considered in determining parental fitness in termination of parental rights proceedings

AN ACT to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to termination of parental rights.

SECTION

- A. Enacting clause.
211.447. Petition to terminate parental rights filed, when—juvenile court may terminate parental rights, when— investigation to be made — grounds for termination.

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

SECTION A. ENACTING CLAUSE. — Section 211.447, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.447, to read as follows:

211.447. PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION. — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

- (c) The parent has voluntarily relinquished a child under section 210.950; or
- (3) A court of competent jurisdiction has determined that the parent has:
 - (a) Committed murder of another child of the parent; or
 - (b) Committed voluntary manslaughter of another child of the parent; or
 - (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or
 - (d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

- (1) The child is being cared for by a relative; or
- (2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or
- (3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) [The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of this subsection or similar laws of other states.] **(a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.**

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3), or (4) of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
- (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
- (5) The parent's disinterest in or lack of commitment to the child;
- (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
- (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

Approved June 20, 2014

SB 532 [SS SCS SB 532]

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

Modifies provisions relating to educational and medical consent provided by relative caregivers

AN ACT to repeal sections 431.058, 431.061, and 431.062, RSMo, and to enact in lieu thereof three new sections relating to consent provided by relative caregivers.

SECTION

- A. Enacting clause.
- 431.058. Relative caregiver may consent to immunization of child, when — definitions — parental decision supercedes relative caregiver — notice when child stops living with relative caregiver — limitations on liability, when — affidavit requirements.
- 431.061. Consent to surgical or medical treatment, who may give, when.
- 431.062. Minor cannot disaffirm contract, when — parents or guardian not liable, exception — disclosure by physician authorized, when.

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

SECTION A. ENACTING CLAUSE. — Sections 431.058, 431.061, and 431.062, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 431.058, 431.061, and 431.062, to read as follows:

431.058. RELATIVE CAREGIVER MAY CONSENT TO IMMUNIZATION OF CHILD, WHEN — DEFINITIONS — PARENTAL DECISION SUPERCEDES RELATIVE CAREGIVER — NOTICE WHEN CHILD STOPS LIVING WITH RELATIVE CAREGIVER — LIMITATIONS ON LIABILITY, WHEN — AFFIDAVIT REQUIREMENTS. — 1. [As used in this section, the following terms mean:

- (1) "Child", a child less than eighteen years of age;
- (2) "Health care provider", a person licensed to practice medicine and surgery by the state board of registration for the healing arts, a person who holds a temporary permit to practice medicine and surgery issued by the state board of registration for the healing arts, a person engaged in a postgraduate training program in medicine and surgery approved by the state board of registration for the healing arts, a medical care facility licensed by the department of health and senior services, a health maintenance organization issued a certificate of authority by the director of the department of insurance, financial institutions and professional registration, a licensed professional nurse, a licensed practical nurse and a registered physician's assistant. The term "health care provider" shall also include the following entities: a professional corporation organized pursuant to the professional corporation law of Missouri by persons who are health care providers, a Missouri limited liability company organized for the purpose of rendering professional services by its members who are health care providers, a partnership of persons who

are health care providers or a Missouri not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers;

(3) "Parent":

(a) A child's parent by birth or adoption;

(b) A child's legal guardian; or

(c) Any person who under court order is authorized to give consent for a child.

2. A parent may delegate in writing the parent's authority to consent to the immunization of a child to another adult.

3. Subject to the provisions of subsections 3 to 6 of this section, any adult may consent to the immunization of a child if a parent is not reasonably available and the authority to consent is not denied under subsection 4 of this section.

4. A person may not consent to the immunization of a child under subsection 3 of this section if:

(1) The person has actual knowledge that the parent has expressly refused to give consent to the immunization; or

(2) The parent has told the person that the person may not consent to the immunization of the child or, in the case of a written authorization, has withdrawn the authorization in writing.

5. For purposes of this section, a parent is not reasonably available if the location of the parent or legal guardian is unknown and could not be ascertained, despite diligent searching.

6. A person authorized to consent to the immunization of a child under the provisions of subsections 3 to 6 of this section shall confirm in writing that the parent is not reasonably available, and the written confirmation shall be included in the child's medical record.

7. A grandparent, brother or sister, aunt or uncle or stepparent of a child who is the primary caregiver of a child and who may consent to the immunization of the child pursuant to the provisions of subsection 2 of this section may delegate in writing the authority to consent to immunization of the child to another adult.

8. A health care provider may rely on a document from another state, territory or country that contains substantially the same information as is required in any immunization consent rules and regulations of the department of health and senior services if the document is presented for consent by a person as authorized pursuant to the provisions of this section.

9. A person who consents to immunization of a child under this section shall provide the health care provider with sufficient and accurate health information about the child for whom the consent is given and, if necessary, sufficient and accurate health information about the child's family to enable the person providing the consent and the health care provider to determine adequately the risks and benefits inherent in the proposed immunization and determine whether the immunization is advisable.

10. The responsibility of a health care provider to provide information to a person consenting to the immunization of a child as provided by this section is the same as the health care provider's responsibility to a parent.

11. Except for acts of willful misconduct or gross negligence, a person who consents to the immunization of a child as provided by this section shall not be liable for damages arising from any such immunization administered by a person authorized by law to administer immunizations in this state.] **As used in sections 431.058 to 431.062, the following terms shall mean:**

(1) "Adult", a person who is eighteen years of age or older;

(2) "Child" or "minor", a person who is under eighteen years of age;

(3) "Educational services", enrollment of a child in a school to which the child has been or will be accepted for attendance and participation in any school activities, including extracurricular activities;

(4) "Health care provider", a person who is licensed, certified, registered, or otherwise authorized by law in this state to administer medical treatment in the practice of a health care profession or at a health care facility, and includes a health care facility;

(5) "Parent":
(a) A child's parent by birth or adoption;
(b) A child's legal guardian; or
(c) Any person who under court order is authorized to give consent for a child;
(6) "Relative caregiver", a competent adult who is related to a child by blood, marriage, or adoption who is not the parent and who represents in the affidavit described under subsection 8 of this section that the child lives with the adult and that the adult is responsible for the care of the child.

2. A relative caregiver acting pursuant to an affidavit described under subsection 8 of this section may consent to the medical treatment provided for under section 431.061 and for educational services for a child that a child cannot otherwise legally consent to if:

(1) The parent has delegated in writing the parent's authority to consent to such medical treatment or educational services; or

(2) After reasonable efforts have been made to obtain the consent of the parent for the medical treatment or educational services, the consent of the parent cannot be obtained.

3. The consent of a relative caregiver under this section shall be superceded by any contravening decision of the parent, provided the decision does not threaten the life, health, or safety of the child.

4. If the child stops living with the relative caregiver, the relative caregiver shall immediately notify any health care provider or school that has been given the affidavit under this section. The affidavit is invalid immediately upon receipt by the health care provider or school of the notice under this subsection.

5. An affidavit under this section expires one year after the date it is given to the health care provider or school. If the date the affidavit is given to a health care provider or school is unknown, it shall expire one year after the date the relative caregiver signs the affidavit.

6. Nothing in this section relieves a parent of liability for payment for medical treatment or educational services provided to a child pursuant to the valid consent of a relative caregiver under this section.

7. Nothing in this section shall be construed to create a cause of action against a relative caregiver who has complied with the provisions of this section.

8. A relative caregiver affidavit given to a health care provider or school is invalid unless it is signed and contains, at a minimum, the following information:

(1) The name of the child;
(2) The child's date of birth;
(3) The relative caregiver's name and date of birth and the address at which the relative caregiver lives with the child;

(4) The relationship of the relative caregiver to the child;
(5) The driver's license or identification card number of the relative caregiver;
(6) The contact information of the parent;
(7) A description of any attempts that the relative caregiver has made to advise the parent of the relative caregiver's intent to consent to medical treatment or educational services for the child, and of any response to the relative caregiver provided by the parent;

(8) If applicable, a signed and dated delegation of authority to the relative caregiver by the parent to consent to educational services or medical treatment;

(9) If applicable, the reason why the relative caregiver is unable to contact the parent to advise the parent of the relative caregiver's intent to consent to medical treatment or educational services for the child;

(10) The date the relative caregiver signed the affidavit; and

(11) A declaration under penalty of perjury that the named child lives with the relative caregiver, that the relative caregiver is a competent adult and eighteen years of age or older and that the information provided in the affidavit is true and correct.

9. The affidavit permitted by this section may be in form and content substantially as follows:

THE STATE OF
COUNTY OF

AFFIDAVIT

Before me, the undersigned authority, personally appeared (relative caregiver), who, being by me duly sworn, deposed as follows:

My name is, and I am of sound mind and am over eighteen (18) years of age. My date of birth, address, contact information, and driver's license or identification card numbers are..... . I am competent to testify to the following facts and matters:

I am a relative caregiver to (name of child), whose date of birth is My relationship to the child is..... . The above mentioned child is living with me at..... (address) because of the following (description of reasons why child lives with relative caregiver and any attempts that the relative caregiver has made to advise the parent of the relative caregiver's intent to consent to medical treatment or educational services for the child, and any response to the relative caregiver provided by the parent). The contact information for the parent is (if known).

(If applicable) Attached is a signed and dated delegation of authority to me by the parent to consent to educational services or medical treatment.

(If applicable) The reason why I am unable to contact the parent to advise the parent of my intent to consent to medical treatment or educational services for the child is

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this day of, 20... .

.....
(Signed)
(Seal)

431.061. CONSENT TO SURGICAL OR MEDICAL TREATMENT, WHO MAY GIVE, WHEN. —

1. In addition to such other persons as may be so authorized and empowered, any one of the following persons if otherwise competent to contract, is authorized and empowered to consent, either orally or otherwise, to any surgical, medical, or other treatment or procedures, **including immunizations**, not prohibited by law:

- (1) Any adult eighteen years of age or older for himself;
- (2) Any parent for his minor child in his legal custody;
- (3) Any minor who has been lawfully married and any minor parent or legal custodian of a child for himself, his child and any child in his legal custody;
- (4) Any minor for himself in case of:
 - (a) Pregnancy, but excluding abortions;
 - (b) Venereal disease;
 - (c) Drug or substance abuse including those referred to in chapter 195;
- (5) Any adult standing in loco parentis, whether serving formally or not, for his minor charge in case of emergency as defined in section 431.063;
- (6) Any guardian of the person for his ward;
- (7) [During the absence of a parent so authorized and empowered, any adult for his minor brother or sister;
- (8) During the absence of a parent so authorized and empowered, any grandparent for his minor grandchild;
- (9) "Absence" as used in (7) and (8) above shall mean absent at a time when further delay occasioned by an attempt to obtain a consent may jeopardize the life, health or limb of the person

affected, or may result in disfigurement or impairment of faculties] **Any relative caregiver of a minor child as provided for under section 431.058.**

2. [For purposes of consent to hospitalization or medical, surgical or other treatment or procedures, a "minor" shall be defined as any person under eighteen years of age and an "adult" shall be defined as any person eighteen years of age or older.

3.] The provisions of sections 431.061 and 431.063 shall be liberally construed, and all relationships set forth in subsection 1 of this section shall include the adoptive and step-relationship as well as the natural relationship and the relationship by the half blood as well as by the whole blood.

[4.] **3.** A consent by one person so authorized and empowered shall be sufficient notwithstanding that there are other persons so authorized and empowered or that such other persons shall refuse or decline to consent or shall protest against the proposed surgical, medical or other treatment or procedures.

[5.] **4.** Any person acting in good faith and not having been put on notice to the contrary shall be justified in relying on the representations of any person purporting to give such consent, including, but not limited to, his identity, his age, his marital status, and his relationship to any other person for whom the consent is purportedly given.

431.062. MINOR CANNOT DISAFFIRM CONTRACT, WHEN — PARENTS OR GUARDIAN NOT LIABLE, EXCEPTION — DISCLOSURE BY PHYSICIAN AUTHORIZED, WHEN. — Whenever a minor is examined, treated, hospitalized, or receives medical or surgical care under subdivision (4) of subsection 1 of section 431.061:

- (1) His consent shall not be subject to disaffirmance or revocation because of minority;
- (2) The parent, parents, [or] conservator, **or relative caregiver** shall not be liable for payment for such care unless the parent, parents, [or] conservator, **or relative caregiver** has expressly agreed to pay for such care;
- (3) A physician or surgeon may, with or without the consent of the minor patient, advise the parent, parents, [or] conservator, **or relative caregiver** of the examination, treatment, hospitalization, medical and surgical care given or needed if the physician or surgeon has reason to know the whereabouts of the parent, parents, [or] conservator, **or relative caregiver**. Such notification or disclosure shall not constitute libel or slander, a violation of the right of privacy or a violation of the rule of privileged communication. In the event that the minor is found not to be pregnant or not afflicted with a venereal disease or not suffering from drug or substance abuse, then no information with respect to any appointment, examination, test or other medical procedure shall be given to the parent, parents, conservator, **relative caregiver**, or any other person.

Approved July 9, 2014

SB 567 [HCS SCS SB 567]

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

Modifies provisions relating to adult day care programs

AN ACT to repeal sections 174.335, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, and 660.420, RSMo, and to enact in lieu thereof nineteen new sections relating to public health, with penalty provisions.

SECTION

- A. Enacting clause.
-

- 174.335. Meningococcal disease, all on-campus students to be vaccinated — exemption, when — records to be maintained.
- 191.761. Umbilical cord blood samples, department to provide courier service to nonprofit umbilical cord blood bank — rulemaking authority.
- 197.168. Influenza vaccination offered to certain inpatients prior to discharge.
- 660.400. Definitions.
- 660.403. License required to operate day care program — forms — investigation — requirements — license validity period, provisional license issued, when.
- 660.404. Deficiencies, operator informed in exit interview, requirements — plan of correction — categories of standards established — inspection reports made available — notices required.
- 660.405. Exceptions to licensure requirements for adult day care centers.
- 660.406. Exceptions to licensure requirements for adult day care centers.
- 660.407. Right to enter premises for compliance inspections or to investigate complaints — failure to permit, effect.
- 660.409. Fee for license or renewal, limitation.
- 660.411. Division to assist applicants or holders of licenses.
- 660.414. Inspections, when — refusal to permit access, court order issued when — injunction authorized.
- 660.416. License denied — suspended — revoked — hearing procedure — appeals.
- 660.417. Rulemaking authority.
- 660.418. Rules, authority, procedure.
- 660.420. Violations, penalties.
- 660.422. Inspections and plans of correction to be provided on department website, exceptions.
- 660.423. Dispute resolution, department may contract with third parties — definitions — requirements — rulemaking authority.
- 660.424. Cost-based uniform rate for services, budget line item.

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

SECTION A. ENACTING CLAUSE. — Sections 174.335, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, and 660.420, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 174.335, 191.761, 197.168, 660.400, 660.403, 660.404, 660.405, 660.406, 660.407, 660.409, 660.411, 660.414, 660.416, 660.417, 660.418, 660.420, 660.422, 660.423, and 660.424, to read as follows:

174.335. MENINGOCOCCAL DISEASE, ALL ON-CAMPUS STUDENTS TO BE VACCINATED — EXEMPTION, WHEN — RECORDS TO BE MAINTAINED. — 1. Beginning with the 2004-2005 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to [sign a written waiver stating that the institution of higher education has provided the student, or if the student is a minor, the student's parents or guardian, with detailed written information on the risks associated with meningococcal disease and the availability and effectiveness of] **have received** the meningococcal vaccine **unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334, indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.**

2. [Any student who elects to receive the meningococcal vaccine shall not be required to sign a waiver referenced in subsection 1 of this section and shall present a record of said vaccination to the institution of higher education.

3.] Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college[, including any written waivers executed pursuant to subsection 1 of this section].

[4.] **3.** Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

191.761. UMBILICAL CORD BLOOD SAMPLES, DEPARTMENT TO PROVIDE COURIER SERVICE TO NONPROFIT UMBILICAL CORD BLOOD BANK — RULEMAKING AUTHORITY. —

1. Beginning July 1, 2015, the department of health and senior services shall provide a courier service to transport collected, donated umbilical cord blood samples to a nonprofit umbilical cord blood bank located in a city not within a county in existence as of the effective date of this section. The collection sites shall only be those facilities designated and trained by the blood bank in the collection and handling of umbilical cord blood specimens.

2. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

197.168. INFLUENZA VACCINATION OFFERED TO CERTAIN INPATIENTS PRIOR TO DISCHARGE. — Each year between October first and March first and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, each hospital licensed under this chapter shall offer, prior to discharge and with the approval of the attending physician or other practitioner authorized to order vaccinations or as authorized by physician-approved hospital policies or protocols for influenza vaccinations pursuant to state hospital regulations, immunizations against influenza virus to all inpatients sixty-five years of age and older unless contraindicated for such patient and contingent upon the availability of the vaccine.

660.400. DEFINITIONS. — As used in sections [199.025 and] 660.403 to 660.420, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm;**
- (2) "Adult", an individual over the age of eighteen;**
- [(2)] (3) "Adult day care program", a group program designed to provide care and supervision to meet the needs of functionally impaired adults for periods of less than twenty-four hours but more than two hours per day in a place other than the adult's own home;**
- [(3)] (4) "Adult day care provider", the person, corporation, partnership, association or organization legally responsible for the overall operation of the adult day care program;**
- [(4)] (5) "Department", the department of [social services] **health and senior services**;**
- [(5)] "Director", the director of the division of aging;**
- (6) "Division", the division of aging;**
- [(7)] (6) "Functionally impaired adult", an adult who by reason of age or infirmity requires care and supervision;**
- [(8)] (7) "License", the document issued by the [division] **department** in accordance with the provisions of sections [199.025 and] 660.403 to 660.420 to an adult day care program which authorizes the adult day care provider to operate the program in accordance with the provisions of sections [199.025 and] 660.403 to 660.420 and the applicable rules promulgated pursuant thereto;**
- (8) "Operator", any person licensed or required to be licensed under the provisions of sections 660.400 to 660.420 in order to establish, conduct, or maintain an adult day care program;**
- (9) "Participant", a functionally impaired adult who is enrolled in an adult day care program;**

(10) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;

(11) ["Provisional license", the document issued by the division in accordance with the provisions of sections 199.025 and 660.403 to 660.420 to an adult day care provider which is not currently meeting the requirements necessary to obtain a license;

(12)] "Related", any of the following by blood, marriage or adoption: parent, child, grandchild, brother, sister, half-brother, half-sister, stepparent, uncle, aunt, niece, nephew, or first cousin;

[(13)] **(12)** "Staff participant ratio", the number of adult care staff required by the [division] **department** in relation to the number of adults being cared for by such staff;

(13) "Substantial noncompliance", any violation of a class I or class II standard or twenty or more violations of class III standards.

660.403. LICENSE REQUIRED TO OPERATE DAY CARE PROGRAM — FORMS — INVESTIGATION — REQUIREMENTS — LICENSE VALIDITY PERIOD, PROVISIONAL LICENSE ISSUED, WHEN. — 1. It shall be unlawful for any person to establish, maintain, or operate an adult day care program, or to advertise or hold himself out as being able to perform any adult day care service, unless he has obtained the proper license.

2. All applications for licenses shall be made on forms provided by the [division] **department** and in the manner prescribed by the [division] **department**. All forms provided shall include a fee schedule.

3. **The applicant shall submit all documents required by the department under this section attesting by signature that the statements contained in the application are true and correct to the best of the applicant's knowledge and belief, and that all required documents are either included with the application or are currently on file with the department.**

4. **Within ten working days of the effective date of any document that replaces, succeeds, or amends any of the documents required by the department to be filed pursuant to this section, an operator shall file with the department a copy of such document. The operator shall attest by signature that the document is true and correct.**

5. **If an operator fails to file documents or amendments to documents as required pursuant to this section and such failure is part of a pattern or practice of concealment, such failure shall be sufficient grounds for revocation of a license or disapproval of an application for a license.**

6. **Upon receipt of an application for a license to operate an adult day care program, the [division] department shall [conduct an investigation of the adult day care program, and the applicant, for which a license is sought in order to determine if such program is complying with the following] review the application, investigate the applicant and the statements sworn to in the application for license and conduct any necessary inspections. A license shall be issued if the following requirements are met:**

(1) [Local fire safety requirements or fire safety requirements of the division if there are no local codes] **The statements in the application are true and correct;**

(2) [Local or state sanitation requirements] **The adult day care program and the operator are in substantial compliance with the provisions of sections 660.400 to 660.420 and the standards established thereunder;**

(3) [Local building and zoning requirements, where applicable] **Neither the operator nor any principals in the operation of the adult day care program have ever been convicted of a felony offense concerning the operation of an adult day care program, long-term health care facility or other health care facility;**

(4) [Staff/adult ratios required by the division] **Neither the operator or any principals in the operation of the adult day care program are listed on the employee disqualification list maintained by the department; and**

(5) [Other applicable provisions of sections 199.025 and 660.403 to 660.420 and all applicable rules promulgated pursuant thereto, including but not limited to:

- (a) The applicant's ability to render adult day care;
- (b) The proposed plan for providing adult day care;
- (c) The proposed plan of operation of the adult day care program, so that, in the judgment of the division, minimum standards are being met to insure the health and safety of the participants] **All fees due to the state have been paid.**

[4. Following completion of its investigation made pursuant to subsection 3 of this section and a finding that the applicant for a license has complied with all applicable rules promulgated pursuant to sections 199.025 and 660.403 to 660.420 the division shall issue a license to such applicant.]

7. Such license shall be valid for the period designated by the [division] **department**, which period shall not exceed two years from the date of issuance, for the premises and persons named in the application.

8. Upon denial of any application for a license, the department shall notify the applicant in writing, set forth therein the reasons and grounds for denial.

[5.] **9.** Each license issued under sections [199.025 and] 660.403 to 660.420 shall include the name of the [provider, owner and] operator; the name of the adult day care program; the location of the adult day care program; the hours of operations; the number [and any limitations or the type] of participants who may be served; and the period for which such license is valid.

[6. The division may issue a provisional license to an adult day care program that is not currently meeting requirements for a license but which demonstrates the potential capacity to meet full requirements for license; except that, no provisional license shall be issued unless the director is satisfied that the operation of the adult day care program is not detrimental to the health and safety of the participants being served. The provisional license shall be nonrenewable and shall be valid for the period designated by the division, which period shall not exceed six months from the date of issuance. Upon issuance of a regular license, a day care program's provisional license shall immediately be null and void]

10. The department may grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the applicant is not at fault for the failure to complete the application review and inspection process.

660.404. DEFICIENCIES, OPERATOR INFORMED IN EXIT INTERVIEW, REQUIREMENTS — PLAN OF CORRECTION — CATEGORIES OF STANDARDS ESTABLISHED — INSPECTION REPORTS MADE AVAILABLE — NOTICES REQUIRED. — 1. Whenever a duly authorized representative of the department finds upon an inspection of an adult day care program that it is not in compliance with the provisions of sections 660.400 to 660.420 and the standards established thereunder, the operator shall be informed of the deficiencies in an exit interview conducted with the operator or his designee. The department shall inform the operator or designee, in writing, of any violation of a class I standard at the time the determination is made. If there was a violation of any class I standard, immediate corrective action shall be taken by the operator or designee and a written plan of correction shall be submitted to the department. A written report shall be prepared of any deficiency and a copy of such report and a written correction order shall be sent to the operator or designee by certified mail or other delivery service that provides a dated receipt of delivery at the adult day care program address within ten working days after the inspection, stating separately each deficiency and the specific statute or regulation violated.

2. The operator or designee shall have five working days following receipt of a written report and correction order regarding a violation of a class I standard and ten

working days following receipt of the report and correction order regarding violations of class II or class III standards to submit a plan of correction for the department's approval which contains specific dates for achieving compliance. Within five working days after receiving a plan of correction regarding a violation of a class I standard and within ten working days after receiving a plan of correction regarding a violation of a class II or III standard, the department shall give its written approval or rejection of the plan.

3. If there was a violation of a class I standard, an unannounced reinspection shall be conducted within twenty calendar days of the exit interview to determine if deficiencies have been corrected. If there was a violation of any class II standard and the plan of correction is acceptable, an unannounced reinspection shall be conducted between forty and ninety calendar days from the date of the exit conference to determine the status of all previously cited deficiencies. If there was a violation of class III standards sufficient to establish that the adult day care program was not in substantial compliance, an unannounced reinspection shall be conducted within one hundred twenty days of the exit interview to determine the status of previously identified deficiencies.

4. In establishing standards for each type of adult day care program, the department shall classify the standards into three categories as follows:

(1) Class I standards are standards the violation of which would present either an imminent danger to the health, safety or welfare of any participant or a substantial probability that death or serious physical harm would result;

(2) Class II standards are standards which have a direct or immediate relationship to the health, safety or welfare of any participant, but which do not create imminent danger;

(3) Class III standards are standards which have an indirect or a potential impact on the health, safety or welfare of any participant.

5. Every adult day care program shall make available the most recent inspection report of the adult day care program. If the operator determines that the inspection report of the adult day care program contains individually identifiable health information, the operator may redact such information prior to making the inspection report available.

6. If an adult day care program submits satisfactory documentation that establishes correction of any deficiency contained within the written report of deficiency required by section 600.404, an on-site revisit of such deficiency may not be required.

7. If, following the reinspection, the adult day care program is found not in substantial compliance with sections 660.400 to 660.420 and the standards established thereunder or the operator is not correcting the noncompliance in accordance with the plan of correction, the department shall issue a notice of noncompliance, which shall be sent by certified mail or other delivery service that provides a dated receipt of delivery to the operator of the adult day care program, according to the most recent information or documents on file with the department.

8. The notice of noncompliance shall inform the operator or administrator that the department may seek the imposition of any other action authorized by law.

9. At any time after an inspection is conducted, the operator may choose to enter into a consent agreement with the department to obtain a probationary license. The consent agreement shall include a provision that the operator will voluntarily surrender the license if substantial compliance is not reached in accordance with the terms and deadlines established under the agreement. The agreement shall specify the stages, actions and time span to achieve substantial compliance.

10. Whenever a notice of noncompliance has been issued, the operator shall post a copy of the notice of noncompliance and a copy of the most recent inspection report in a conspicuous location in the adult day care program, and the department shall send a copy of the notice of noncompliance to concerned federal, state or local governmental agencies.

660.405. EXCEPTIONS TO LICENSURE REQUIREMENTS FOR ADULT DAY CARE CENTERS.

— 1. The department may revoke a license in any case in which it finds that:

(1) The operator failed or refused to comply with class I or II standards, as established by the department pursuant to section 660.404; or failed or refused to comply with class III standards as established by the department pursuant to section 660.404, where the aggregate effect of such noncompliances presents either an imminent danger to the health, safety or welfare of any participant or a substantial probability that death or serious physical harm would result;

(2) The operator refused to allow representatives of the department to inspect the adult day care program for compliance with standards or denied representatives of the department access to participants and employees necessary to carry out the duties set forth in this chapter and rules promulgated thereunder, except where employees of the adult day care program are in the process of rendering immediate care to a participant of such adult day care program;

(3) The operator demonstrated financial incapacity to operate and conduct the adult day care program in accordance with the provisions of sections 660.400 to 660.420;

(4) The operator or any principals in the operation of the adult day care program have ever been convicted of, or pled guilty or nolo contendere to a felony offense concerning the operation of an adult day care program, long-term health care facility or other health care facility; or

(5) The operator or any principals in the operation of the adult day care program are listed on the EDL maintained by the department.

2. Upon revocation of a license, the department shall so notify the operator in writing, setting forth the reason and grounds for the revocation. Notice of such revocation shall be sent either by certified mail, return receipt requested, to the operator at the address of the adult day care program, or served personally upon the operator. The department shall provide the operator notice of such revocation at least ten calendar days prior to its effective date.

~~[660.405.]~~ **660.406. EXCEPTIONS TO LICENSURE REQUIREMENTS FOR ADULT DAY CARE CENTERS.** — 1. The provisions of sections [199.025 and] 660.403 to 660.420 shall not apply to the following:

(1) Any adult day care program operated by a person in which care is offered for no more than two hours per day;

(2) Any adult day care program maintained or operated by the federal government except where care is provided through a management contract;

(3) Any person who cares solely for persons related to the provider or who has been designated as guardian of that person;

(4) Any adult day care program which cares for no more than four persons unrelated to the provider;

(5) Any adult day care program licensed by the department of mental health under chapter 630 which provides care, treatment and habilitation exclusively to adults who have a primary diagnosis of mental disorder, mental illness, [mental retardation] **intellectual disability**, or developmental disability as defined;

(6) Any adult day care program administered or maintained by a religious not-for-profit organization serving a social or religious function if the adult day care program does not hold itself out as providing the prescription or usage of physical or medical therapeutic activities or as providing or administering medicines or drugs.

2. Nothing in this section shall prohibit any person listed in subsection 1 of this section from applying for a license or receiving a license if the adult day care program owned or operated by such person conforms to the provisions of sections [199.025 and] 660.403 to 660.420 and all applicable rules promulgated pursuant thereto.

660.407. RIGHT TO ENTER PREMISES FOR COMPLIANCE INSPECTIONS OR TO INVESTIGATE COMPLAINTS — FAILURE TO PERMIT, EFFECT. — 1. The [director, or his authorized representative,] **department** shall have the right to enter the premises of an applicant for or holder of a license at any time during the hours of operation of a center to determine compliance with provisions of sections [199.025 and] 660.403 to 660.420 and applicable rules promulgated pursuant thereto. Entry shall also be granted for investigative purposes involving complaints regarding the operations of an adult day care program. The [division] **department** shall make at least two inspections per year, at least one of which shall be unannounced to the operator or provider. The [division] **department** may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections [199.025 and] 660.403 to 660.420.

2. **The department may reduce the frequency of inspections to once a year if an adult day care program is found to be in substantial compliance. The basis for such determination shall include, but not be limited to, the following:**

- (1) **Previous inspection reports;**
- (2) **The adult day care program's history of compliance with rules promulgated pursuant to this chapter; and**
- (3) **The number and severity of complaints received about the adult day care program.**

3. The applicant for or holder of a license shall cooperate with the investigation and inspection by providing access to the adult day care program, records and staff, and by providing access to the adult day care program to determine compliance with the rules promulgated pursuant to sections [199.025 and] 660.403 to 660.420.

[3.] 4. Failure to comply with any lawful request of the [division] **department** in connection with the investigation and inspection is a ground for refusal to issue a license or for the [suspension or] revocation of a license.

[4.] 5. The [division] **department** may designate to act for it, with full authority of law, any instrumentality of any political subdivision of the state of Missouri deemed by the [division] **department** to be competent to investigate and inspect applicants for or holders of licenses.

660.409. FEE FOR LICENSE OR RENEWAL, LIMITATION. — Each application for a license, or the renewal thereof, issued pursuant to sections [199.025 and] 660.403 to 660.420 shall be accompanied by a nonrefundable fee in the amount required by the [division] **department**. The fee, to be determined by the [director of the division] **department**, shall not exceed one hundred dollars and shall be based on the licensed capacity of the applicant.

660.411. DIVISION TO ASSIST APPLICANTS OR HOLDERS OF LICENSES. — The [division] **department** shall [offer] **create an adult day care program manual in partnership with the provider association to establish uniformity across the state and shall offer regional training sessions in order to provide** technical assistance or consultation to assist applicants for or holders of licenses [or provisional licenses] in meeting the requirements of sections [199.025 and] 660.403 to 660.420, staff qualifications, and other aspects involving the operation of an adult day care program, and to assist in the achievement of programs of excellence related to the provision of adult day care. **The program manual and regional training sessions required under this section shall be made available to adult day care programs by January 1, 2015.**

660.414. INSPECTIONS, WHEN — REFUSAL TO PERMIT ACCESS, COURT ORDER ISSUED WHEN — INJUNCTION AUTHORIZED. — 1. Whenever the [division] **department** is advised or has reason to believe that any person is operating an adult day care program without a license, [or provisional license,] or that any holder of license[, or provisional license] is not in compliance with the provisions of sections [199.025 and] 660.403 to 660.420, the [division] **department** shall make an investigation and inspection to ascertain the facts. If the [division] **department**

is not permitted access to the adult day care program in question, the [division] **department** may apply to the circuit court of the county in which the program is located for an order authorizing entry for inspection. The court shall issue the order if it finds reasonable grounds necessitating the inspection.

2. If the [division] **department** finds that the adult day care program is being operated in violation of sections [199.025 and] 660.403 to 660.420, it may seek, among other remedies, injunctive relief against the adult day care program.

660.416. LICENSE DENIED — SUSPENDED — REVOKED — HEARING PROCEDURE — APPEALS. — 1. Any person aggrieved by an official action of the [division] **department** either refusing to issue a license or revoking [or suspending] a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section [161.272, et seq.] **621.045**; except that, the petition must be filed with the administrative hearing commission within thirty **calendar** days after the [mailing or] delivery of notice to the applicant for or holder of such license or certificate. When the notification of the official action is mailed to the applicant for or holder of such a license, there shall be included in the notice a statement of the procedure whereby the applicant for or holder of such license may appeal the decision of the [division] **department** before the administrative hearing commission. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing or exhaust any other procedure within the [division] **department**.

2. The administrative hearing commission may stay the revocation [or suspension] of such certificate or license, pending the commission's findings and determination in the cause, upon such conditions as the commission deems necessary and appropriate including the posting of bond or other security; except that, the commission shall not grant a stay or if a stay has already been entered shall set aside its stay, if, upon application of the [division] **department**, the commission finds reason to believe that continued operation of the [facility] **adult day care program** to which the certificate or license in question applies pending the commission's final determination would present an imminent danger to the health, safety or welfare of any person or a substantial probability that death or serious physical harm would result. In any case in which the [division] **department** has refused to issue a certificate or license, the commission shall have no authority to stay or to require the issuance of a license pending final determination by the commission.

3. The administrative hearing commission shall make the final decision as to the issuance[, suspension,] or revocation of a license. Any person aggrieved by a final decision of the administrative hearing commission, including the [division] **department**, may seek judicial review of such decision by filing a petition for review in the court of appeals for the district in which the adult day care program to which the license in question applies is located. Review shall be had, **except as provided in this section**, in accordance with the provisions of sections [161.337 and 161.338] **621.189 and 621.193**.

660.417. RULEMAKING AUTHORITY. — **The department shall promulgate reasonable standards and regulations for adult day care programs. The standards and regulations shall relate to licensure requirements, staffing requirements, program policies and participant care requirements, participant right requirements, record keeping requirements, fire safety requirements and physical plant requirements.**

660.418. RULES, AUTHORITY, PROCEDURE. — The [director of the division] **department** shall have the authority to promulgate rules pursuant to this section and chapter 536 in order to carry out the provisions of sections [199.025 and] 660.403 to 660.420. No rule or portion of a rule promulgated under the authority of section [199.025 and] sections 660.403 to 660.420 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

660.420. VIOLATIONS, PENALTIES. — 1. Any person who violates any provision of sections [199.025 and] 660.403 to 660.420, or who, for himself or for any other person, makes materially false statements in order to obtain a certificate or license, or the renewal thereof, issued pursuant to sections [199.025 and] 660.403 to 660.420, shall be guilty of a class A misdemeanor. **Any person violating this subsection wherein abuse or neglect of a participant of the program has occurred is guilty of a class D felony.**

2. Any person who is convicted pursuant to this section shall, in addition to all other penalties provided by law, have any license issued to him under sections [199.025 and] 660.403 to 660.420 revoked, and shall not operate, nor hold any license to operate, any adult day care program, or other entity governed by the provisions of sections [199.025 and] 660.403 to 660.420 for a period of three years after such conviction.

660.422. INSPECTIONS AND PLANS OF CORRECTION TO BE PROVIDED ON DEPARTMENT WEBSITE, EXCEPTIONS. — 1. **The department may provide through its internet website:**

(1) **The most recent inspection of every adult day care program licensed in this state and any such findings of deficiencies and the effect the deficiency would have on such program. If such inspection is in dispute, the inspection shall not be posted on the website until the program's informal dispute resolution process resolves the dispute; and**

(2) **The program's proposed plan of correction.**

2. **Nothing in this section shall be construed as requiring the department to post any information on its internet website that is prohibited from disclosure pursuant to the federal Health Insurance Portability and Accountability Act, as amended.**

660.423. DISPUTE RESOLUTION, DEPARTMENT MAY CONTRACT WITH THIRD PARTIES — DEFINITIONS — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. **As used in this section, the following terms shall mean:**

(1) **"Deficiency", a program's failure to meet a participation requirement or standard supported by evidence gathered from observation, interview, or record review;**

(2) **"IDR", informal dispute resolution as provided for in this section;**

(3) **"Independent third party", the federally designated Medicare Quality Improvement Organization in this state;**

(4) **"Plan of correction", a program's response to deficiencies which explains how corrective action will be accomplished, how the program will identify other participants who may be affected by the deficiency practice, what measures will be used or systemic changes made to ensure that the deficient practice will not reoccur, and how the program will monitor to ensure that solutions are sustained.**

2. **The department may contract with an independent third party to conduct informal dispute resolution (IDR) for programs licensed under sections 660.403 to 660.420. The IDR process, including conferences, shall constitute an informal administrative process and shall not be construed to be a formal evidentiary hearing. Use of IDR under this section shall not waive the program's right to pursue further or additional legal actions.**

3. **The department shall establish an IDR process to determine whether a cited deficiency as evidenced by a statement of deficiencies against a program shall be upheld. The IDR process shall include the following minimum requirements:**

(1) **Within ten working days of the end of the inspection, the department shall transmit to the program a statement of deficiencies committed by the program. Notification of the availability of an IDR and IDR process shall be included in the transmittal;**

(2) **Within ten working days of receipt of the statement of deficiencies, the program shall return a plan of correction to the department. Within such ten-day period, the program may request in writing an IDR conference to refute the deficiencies cited in the statement of deficiencies;**

(3) Within ten working days of receipt for an IDR conference made by an adult day care program, the department shall hold an IDR conference unless otherwise requested by the program. The IDR conference shall provide the program with an opportunity to provide additional information or clarification in support of the program's contention that the deficiencies were erroneously cited. The program may be accompanied by counsel during the IDR conference. The type of IDR held shall be at the discretion of the program, but shall be limited to:

- (a) A desk review of written information submitted by the program; or
- (b) A telephonic conference; or
- (c) A face-to-face conference.

4. Within ten calendar days of the IDR conference described in subsection 3 of this section, the department shall make a determination, based upon the facts and findings presented, and shall transmit the decision and rationale for the outcome in writing to the program.

5. If the original statement of deficiencies should be changed as a result of the IDR conference, the department shall transmit a revised statement of deficiencies to the program with the notification of the determination within ten calendar days of the decision to change the statement of deficiencies.

6. Within ten working days of receipt of the determination and the revised statement of deficiencies, the program shall submit a plan of correction to the department.

7. The department shall not post on its website any information about the deficiencies which are in dispute unless the dispute determination is made and the program has responded with a revised plan of correction, if needed.

8. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

660.424. COST-BASED UNIFORM RATE FOR SERVICES, BUDGET LINE ITEM. — Adult day care programs licensed under sections 660.403 to 660.420 shall evaluate the program rate structure in FY 2015 and determine a cost-based uniform rate for services to be presented as a budget line item in the Department of Health and Senior Services FY 2016 budget request for adult day programs which provide care, treatment, rehabilitation, and habilitation exclusively to adults and seniors with physical disabilities, mental, neurological, and cognitive disorders such as brain injuries, dementia, and other intellectual impairments, excluding in the budget request, the cost for individuals already funded by a department of mental health waiver.

Approved July 10, 2014

SB 600 [HCS SB 600]

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

Changes provisions for license plates honoring veterans; expands WWII, Korean Conflict, & Vietnam War medallion programs to Missouri National Guard members; and creates medallion programs for Operations Iraqi

AN ACT to repeal sections 42.170, 42.200, 42.220, 170.049, 171.051, 301.3142, 347.179, 351.065, 354.150, 355.021, 357.060, 358.440, 359.651, 394.250, and 417.220, RSMo, and to enact in lieu thereof eighteen new sections relating to veterans, with penalty provisions.

SECTION

- A. Enacting clause.
- 42.170. World War II medallion, medal and certificate, to whom awarded.
- 42.200. Program established, criteria — veteran defined.
- 42.220. Vietnam War medallion program created — eligibility — veteran defined.
- 42.310. Operation Iraqi Freedom and Operation New Dawn medallion, medal and certificate, to whom awarded.
- 42.315. Operation Desert Shield and Operation Desert Storm medallion, medal and certificate, to whom awarded.
- 170.049. Veterans Day observance in schools.
- 171.051. School holidays.
- 301.3142. Military killed in line of duty special license plates, application by immediate family members, fee.
- 301.3172. Woman Veteran special license plate, application fee.
- 347.179. Fees.
- 351.065. Incorporation tax or fee.
- 354.150. Fees.
- 355.021. Fees.
- 357.060. Fees for incorporation.
- 358.440. Registration as a limited liability partnership — renewals — withdrawal of registration — amendment — revocation, effect — fees — false statements, penalty — foreign partnership requirements.
- 359.651. Filing fees.
- 394.250. Fees to be collected by director of revenue.
- 417.220. Registration fee.

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

SECTION A. ENACTING CLAUSE. — Sections 42.170, 42.200, 42.220, 170.049, 171.051, 301.3142, 347.179, 351.065, 354.150, 355.021, 357.060, 358.440, 359.651, 394.250, and 417.220, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 42.170, 42.200, 42.220, 42.310, 42.315, 170.049, 171.051, 301.3142, 301.3172, 347.179, 351.065, 354.150, 355.021, 357.060, 358.440, 359.651, 394.250, and 417.220, to read as follows:

42.170. WORLD WAR II MEDALLION, MEDAL AND CERTIFICATE, TO WHOM AWARDED.

— 1. Every veteran who honorably served on active duty in the United States military service at any time beginning December 7, 1941, and ending December 31, 1946, shall be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections 42.170 to 42.185, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death **or such veteran served in a unit of the Missouri National Guard regardless of whether such veteran is or ever was a legal resident of this state;** and

(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.170 to 42.185, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

42.200. PROGRAM ESTABLISHED, CRITERIA — VETERAN DEFINED. — 1. There is hereby created within the state adjutant general's office the "Korean Conflict Medallion

Program". Every veteran who honorably served on active duty in the United States military service at any time beginning June 27, 1950, and ending January 31, 1955, shall be entitled to receive a Korean Conflict medallion, medal, and a certificate of appreciation pursuant to sections 42.200 to 42.206, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death **or such veteran served in a unit of the Missouri National Guard regardless of whether such veteran is or ever was a legal resident of this state;** and

(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The Korean Conflict medallion, medal, and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.200 to 42.206, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

42.220. VIETNAM WAR MEDALLION PROGRAM CREATED — ELIGIBILITY — VETERAN DEFINED. — 1. There is hereby created within the state adjutant general's office the "Vietnam War Medallion Program". Every veteran who honorably served on active duty in the United States military service at any time beginning February 28, 1961, and ending May 7, 1975, shall be entitled to receive a Vietnam War medallion, medal, and a certificate of appreciation under sections 42.220 to 42.226, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death **or such veteran served in a unit of the Missouri National Guard regardless of whether such veteran is or ever was a legal resident of this state;** and

(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The Vietnam War medallion, medal, and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.220 to 42.226, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

42.310. OPERATION IRAQI FREEDOM AND OPERATION NEW DAWN MEDALLION, MEDAL AND CERTIFICATE, TO WHOM AWARDED. — 1. There is hereby created within the state adjutant general's office the "Operation Iraqi Freedom and Operation New Dawn Medallion Program". Every veteran who honorably served on active duty in the United States military service at any time beginning March 19, 2003, and ending December 15, 2011, shall be entitled to receive an Operation Iraqi Freedom and Operation New Dawn medallion, medal, and certificate of appreciation under this section, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death **or such veteran served in a unit of the Missouri National Guard regardless of whether such veteran is or ever was a legal resident of this state;** and

(2) Such veteran was honorably separated or discharged from military service, is still in active service in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The Operation Iraqi Freedom and Operation New Dawn medallion, medal, and certificate shall be awarded regardless of whether such veteran served within the United States or in a foreign country. The medallion, medal, and certificate shall be awarded regardless of whether such veteran was under eighteen years of age at the time of enlistment. For purposes of this section, "veteran" means any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

42.315. OPERATION DESERT SHIELD AND OPERATION DESERT STORM MEDALLION, MEDAL AND CERTIFICATE, TO WHOM AWARDED. — 1. There is hereby created within the state adjutant general's office the "Operation Desert Shield and Operation Desert Storm Medallion Program". Every veteran who honorably served on active duty in the United States military service at any time beginning August 7, 1990, and ending June 7, 1991, shall be entitled to receive an Operation Desert Shield and Operation Desert Storm medallion, medal, and certificate of appreciation under this section, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death or such veteran served in a unit of the Missouri National Guard regardless of whether such veteran is or ever was a legal resident of this state; and

(2) Such veteran was honorably separated or discharged from military service, is still in active service in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The Operation Desert Shield and Operation Desert Storm medallion, medal, and certificate shall be awarded regardless of whether such veteran served within the United States or in a foreign country. The medallion, medal, and the certificate shall be awarded regardless of whether such veteran was under eighteen years of age at the time of enlistment. For purposes of this section, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

170.049. VETERANS DAY OBSERVANCE IN SCHOOLS. — The board of each school district shall require each school in such district to **conduct educational programs and activities and** devote a period of time **at least** equal to one class period **leading up** to an observance that conveys the meaning and significance of Veterans Day. Such observance shall take place on or as close as possible to Veterans Day. The board, in consultation with the administrators of each school in the district, shall determine the activities which will constitute the required observance.

171.051. SCHOOL HOLIDAYS. — School holidays include Thanksgiving Day, December twenty-fifth, the third Monday in February, [and] July fourth, **and may include November eleventh at the discretion of the school district.**

301.3142. MILITARY KILLED IN LINE OF DUTY SPECIAL LICENSE PLATES, APPLICATION BY IMMEDIATE FAMILY MEMBERS, FEE. — 1. Any immediate family member, including stepsiblings or stepchildren, who wishes to pay tribute to a member of the United States military who was a resident of this state and who was killed in the line of duty may receive special **personalized license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of eligibility as the director may require.

3. Upon [annual application payment of a fifteen dollar fee in addition to the registration fee, and presentation of any other documents which may be required by law or upon biennial

application, payment of a thirty dollar fee in addition to the registration fee and] presentation of **such** proof of eligibility [for such plates] **and payment of the regular registration fees**, and presentation of any [other] documents which may be required by law, the [department] **director** of revenue [may] **shall** issue to the vehicle owner a **special** personalized license plate which shall bear the initials of the member of the United States military killed while in the line of duty, a gold star on the left side of the plates, followed by a three-letter description of the relative's relation to the veteran, provided such license plate configuration is not currently in use, and [which shall bear] the words "WE SHALL NOT FORGET" [in place of the words "SHOW-ME STATE"] **at the bottom of the plate, in a manner prescribed by the director of revenue**. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

5. **There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.**

[3.] 6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director [of revenue] shall make **all** necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3172. WOMAN VETERAN SPECIAL LICENSE PLATE, APPLICATION FEE. — 1. Any woman who currently serves in any branch of the United States Armed Forces or who was honorably discharged from such service may apply for special personalized motor vehicle license plates for any vehicle she owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such woman shall apply for the special personalized license plates on a form provided by the director of revenue and furnish such proof of military service as the director may require.

3. Upon presentation of such proof of military service, payment of a fee of fifteen dollars in addition to the regular registration fees, and presentation of any documents which may be required by law the director of revenue shall issue to the vehicle owner special personalized license plates which shall bear the words "WOMAN VETERAN" at the bottom of the plates in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

5. **There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for a vehicle owned solely or jointly by such person.**

6. License plates issued under the provisions of this section shall not be transferable to any other person except any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director shall consult with the Missouri Veterans Commission when determining or designing the image which shall be placed on the plates authorized under this section.

8. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

347.179. FEES.—1. The secretary shall charge and collect:

- (1) For filing the original articles of organization, a fee of one hundred dollars;
- (2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;
- (3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;
- (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;
- (5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;
- (6) For filing notice of merger or consolidation, a fee of twenty dollars;
- (7) For filing a notice of winding up, a fee of twenty dollars;
- (8) For issuing a certificate of good standing, a fee of five dollars;
- (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;
- (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;
- (11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;
- (12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;
- (13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;
- (14) For filing an amended certificate of registration a fee of twenty dollars; and
- (15) For filing a statement of correction a fee of five dollars.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application for reservation of a name in subdivision (11) of subsection 1 of this section shall be waived if an organizer who is listed as a member in the operating agreement of the limited liability company is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

351.065. INCORPORATION TAX OR FEE.—1. No corporation shall be organized under the general and business corporation law of Missouri unless the persons named as incorporators shall

at or before the filing of the articles of incorporation pay to the director of revenue three dollars for the issuance of the certificate and fifty dollars for the first thirty thousand dollars or less of the authorized shares of the corporation and a further sum of five dollars for each additional ten thousand dollars of its authorized shares, and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state as is provided by this chapter for the filing of articles of incorporation; except that the requirements of this section to pay incorporation taxes and fees shall not apply to foreign railroad corporations which built their lines of railway into or through this state prior to November 21, 1943.

2. For the purpose of this section, the dollar amount of authorized shares is the par value thereof in the case of shares with par value and is one dollar per share in the case of shares without par value.

3. Fees mandated in subsection 1 of this section shall be waived if a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

354.150. FEES. — 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay the following fees to the director for the administration and enforcement of the provisions of this chapter:

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived if a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

355.021. FEES. — 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

(1) Articles of incorporation, twenty dollars;

(2) Application for reserved name, twenty dollars;

(3) Notice of transfer of reserved name, two dollars;

(4) Application for renewal of reserved name, twenty dollars;

(5) Corporation's statement of change of registered agent or registered office or both, five dollars;

(6) Agent's statement of change of registered office for each affected corporation, five dollars;

(7) Agent's statement of resignation, five dollars;

(8) Amendment of articles of incorporation, five dollars;

(9) Restatement of articles of incorporation with amendments, five dollars;

- (10) Articles of merger, five dollars;
- (11) Articles of dissolution, five dollars;
- (12) Articles of revocation of dissolution, five dollars;
- (13) Application for reinstatement following administrative dissolution, twenty dollars;
- (14) Application for certificate of authority, twenty dollars;
- (15) Application for amended certificate of authority, five dollars;
- (16) Application for certificate of withdrawal, five dollars;
- (17) Corporate registration report filed annually, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;
- (18) Corporate registration report filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;
- (19) Articles of correction, five dollars;
- (20) Certificate of existence or authorization, five dollars;
- (21) Any other document required or permitted to be filed by this chapter, five dollars.

2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

4. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section shall be waived if an initial officer or director of the nonprofit corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

357.060. FEES FOR INCORPORATION. — 1. For incorporation under this chapter as herein provided, there shall be paid to and collected by the state director of revenue a fee of fifty dollars for the first fifty thousand dollars or less of capital stock, and the further sum of five dollars for each additional ten thousand dollars of its capital stock. The limitation upon the aggregate amount of capital stock shall be the same as in respect to other corporations.

2. Fees mandated in subsection 1 of this section shall be waived if the association of persons signing the written articles of association and agreement includes a member of the Missouri National Guard or any other active duty military, who resides in the state of Missouri, and provides proof of such service to the secretary of state.

358.440. REGISTRATION AS A LIMITED LIABILITY PARTNERSHIP — RENEWALS — WITHDRAWAL OF REGISTRATION — AMENDMENT — REVOCATION, EFFECT — FEES — FALSE STATEMENTS, PENALTY — FOREIGN PARTNERSHIP REQUIREMENTS. — 1. To register as a limited liability partnership pursuant to this section, a written application shall be filed with the office of the secretary of state. The application shall set forth:

- (1) The name of the partnership;
- (2) The address of a registered office and the name and address of a registered agent for service of process required to be maintained by section 358.470;
- (3) The number of partners in the partnership at the date of application;
- (4) A brief statement of the principal business in which the partnership engages;
- (5) That the partnership thereby applies for registration as a registered limited liability partnership; and
- (6) Any other information the partnership determines to include in the application.

2. The application shall be signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority in interest of the partners to sign the application on behalf of the partnership.

3. The application shall be accompanied by a fee payable to the secretary of state of twenty-five dollars for each partner of the partnership, but the fee shall not exceed one hundred dollars. All moneys from the payment of this fee shall be deposited into the general revenue fund.

4. A person who files a document according to this section as an agent or fiduciary need not exhibit evidence of the partner's authority as a prerequisite to filing. Any signature on such document may be a facsimile. If the secretary of state finds that the filing conforms to law, the secretary of state shall:

- (1) Endorse on the copy the word "Filed" and the month, day and year of the filing;
- (2) File the original in the secretary of state's office; and
- (3) Return the copy to the person who filed it or to the person's representative.

5. A partnership becomes a registered limited liability partnership on the date of the filing in the office of the secretary of state of an application that, as to form, meets the requirements of subsections 1 and 2 of this section and that is accompanied by the fee specified in subsection 3 of this section, or at any later time specified in the application.

6. An initial application filed under subsection 1 of this section by a partnership registered by the secretary of state as a limited liability partnership expires one year after the date of registration unless earlier withdrawn or revoked or unless renewed in accordance with subsection 9 of this section.

7. If a person is included in the number of partners of a registered limited liability partnership set forth in an application, a renewal application or a certificate of amendment of an application or a renewal application, the inclusion of such person shall not be admissible as evidence in any action, suit or proceeding, whether civil, criminal, administrative or investigative, for the purpose of determining whether such person is liable as a partner of such registered limited liability partnership. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected if the number of partners stated in an application, a renewal application or a certificate of amendment of an application or a renewal application is erroneously stated provided that the application, renewal application or certificate of amendment of an application or a renewal application was filed in good faith.

8. Any person who files an application or a renewal application in the office of the secretary of state pursuant to this section shall not be required to file any other documents pursuant to chapter 417 which requires filing for fictitious names.

9. An effective registration may be renewed before its expiration by filing in duplicate with the secretary of state an application containing current information of the kind required in an initial application, including the registration number as assigned by the secretary of state. The renewal application shall be accompanied by a fee of one hundred dollars on the date of renewal plus, if the renewal increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars. All moneys from such fees shall be deposited into the general revenue fund. A renewal application filed under this section continues an effective registration for one year after the date the effective registration would otherwise expire.

10. A registration may be withdrawn by filing with the secretary of state a written withdrawal notice signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority of the partners to sign the notice on behalf of the partnership. A withdrawal notice shall include the name of the partnership, the date of registration of the partnership's last application under this section, and a current street address of the partnership's principal office in this state or outside the state, as applicable. A withdrawal notice terminates the registration of the partnership as a limited liability partnership as of the date of filing the notice in the office of the secretary of state. The withdrawal notice shall be accompanied by a filing fee of twenty dollars.

11. If a partnership that has registered pursuant to this section ceases to be registered as provided in subsection 6 or 10 of this section, that fact shall not affect the status of the partnership as a registered limited liability partnership prior to the date the partnership ceased to be registered pursuant to this section.

12. A document filed under this section may be amended or corrected by filing with the secretary of state articles of amendment, signed by a majority of the partners or by one or more partners authorized by a majority of the partners. The articles of amendment shall contain:

- (1) The name of the partnership;
- (2) The identity of the document being amended;
- (3) The part of the document being amended; and
- (4) The amendment or correction.

The articles of amendment shall be accompanied by a filing fee of twenty dollars plus, if the amendment increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars; provided that no amendment of an application or a renewal application is required as a result of a change after the application or renewal application is filed in the number of partners of the registered limited liability partnership or in the business in which the registered limited liability partnership engages. All moneys from such fees shall be deposited into the general revenue fund. The status of a partnership as a registered limited liability partnership shall not be affected by changes after the filing of an application or a renewal application in the information stated in the application or renewal application.

13. No later than ninety days after the happening of any of the following events, an amendment to an application or a renewal application reflecting the occurrence of the event or events shall be executed and filed by a majority in interest of the partners or by one or more partners authorized by a majority of the partners to execute an amendment to the application or renewal application:

- (1) A change in the name of the registered limited liability partnership;
- (2) Except as provided in subsections 2 and 3 of section 358.470, a change in the address of the registered office or a change in the name or address of the registered agent of the registered limited liability partnership.

14. Unless otherwise provided in this chapter or in the certificate of amendment of an application or a renewal application, a certificate of amendment of an application or a renewal application or a withdrawal notice of an application or a renewal application shall be effective at the time of its filing with the secretary of state.

15. The secretary of state may provide forms for the application specified in subsection 1 of this section, the renewal application specified in subsection 9 of this section, the withdrawal notice specified in subsection 10 of this section, and the amendment or correction specified in subsection 12 of this section.

16. The secretary of state may remove from its active records the registration of a partnership whose registration has been withdrawn, revoked or has expired.

17. The secretary of state may revoke the filing of a document filed under this section if the secretary of state determines that the filing fee for the document was paid by an instrument that was dishonored when presented by the state for payment. The secretary of state shall return the document and give notice of revocation to the filing party by regular mail. Failure to give or receive notice does not invalidate the revocation. A revocation of a filing does not affect an earlier filing.

18. If any person signs a document required or permitted to be filed pursuant to sections 358.440 to 358.500 which the person knows is false in any material respect with the intent that the document be delivered on behalf of a partnership to the secretary of state for filing, such person shall be guilty of a class A misdemeanor. Unintentional errors in the information set forth in an application filed pursuant to subsection 1 of this section, or changes in the information after the filing of the application, shall not affect the status of a partnership as a registered limited liability partnership.

19. Before transacting business in this state, a foreign registered limited liability partnership shall:

- (1) Comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership is engaged; and

(2) Register as a limited liability partnership as provided in this section by filing an application which shall, in addition to the other matters required to be set forth in such application, include a statement:

(a) That the secretary is irrevocably appointed the agent of the foreign limited liability partnership for service of process if the limited liability partnership fails to maintain a registered agent in this state or if the agent cannot be found or served with the exercise of reasonable diligence; and

(b) Of the address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal office of the foreign limited liability partnership.

20. A partnership that registers as a limited liability partnership shall not be deemed to have dissolved as a result thereof and is for all purposes the same partnership that existed before the registration and continues to be a partnership under the laws of this state. If a registered limited liability partnership dissolves, a partnership which is a successor to such registered limited liability partnership and which intends to be a registered limited liability partnership shall not be required to file a new registration and shall be deemed to have filed any documents required or permitted under this chapter which were filed by the predecessor partnership.

21. Fees mandated in subsection 3 of this section shall be waived if a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

359.651. FILING FEES. — 1. The secretary of state shall charge the fee specified for filing the following:

- (1) Certificates of limited partnership: One hundred dollars;
- (2) Applications for registration of foreign limited partnerships and issuance of a certificate of registration to transact business in this state:

One hundred dollars;

(3) Amendments to and restatements of certificates of limited partnerships or to applications for registration of foreign limited partnerships or any other filing not otherwise provided for: Twenty dollars;

(4) Cancellations of certificates of limited partnerships or of registration of foreign limited partnerships: Twenty dollars;

(5) A consent required to be filed under this chapter: Twenty dollars;

(6) A change of address of registered agent, or change of registered agent, or both: Five dollars;

(7) A partner list: One dollar each page;

(8) Reservation of name: Twenty dollars;

(9) Rescission fee: One hundred dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived if a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

394.250. FEES TO BE COLLECTED BY DIRECTOR OF REVENUE. — 1. There shall be charged and collected for:

- (1) Filing articles of incorporation, ten dollars;
- (2) Filing articles of amendment, one dollar;
- (3) Filing articles of consolidation or merger, ten dollars;
- (4) Filing articles of conversion, ten dollars;
- (5) Filing certificate of election to dissolve, one dollar;

- (6) Filing articles of dissolution, two dollars; and
 - (7) Filing certificate of change of principal office, two dollars.
2. All fees shall be made payable to and collected by the state director of revenue.

3. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived if an initial member of the cooperative is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

417.220. REGISTRATION FEE. — 1. For the registration or renewal of each fictitious name under sections 417.200 to 417.230 there shall be paid to the state director of revenue a fee of two dollars if filed electronically in a format prescribed by the secretary of state or if filed in a written format prescribed by the secretary of state.

2. Fees mandated in subsection 1 of this section shall be waived if a party owning any interest or part in the business is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

Approved July 3, 2014

SB 601 [SB 601]

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

Reauthorizes a deduction for energy efficiency audits and projects for tax years 2014 to 2020

AN ACT to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax deduction for energy efficiency projects.

SECTION

A. Enacting clause.

143.121. Missouri adjusted gross income.

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

SECTION A. ENACTING CLAUSE. — Section 143.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.121, to read as follows:

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002,

to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an [addition] **additional** modification was made under subdivision (3) of subsection 2 of this section, the amount by which [addition] **additional** modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, [2009] **2014**, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year **for individual taxpayers** or cumulatively exceed two thousand dollars per [taxpayer or] **year for taxpayers** filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, [2013] **2020**.

Approved July 7, 2014

SB 606 [HCS SB 606]

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

Repeals a statute that requires certain persons to be licensed as an insurance agent

AN ACT to repeal section 379.901, RSMo, and to enact in lieu thereof one new section relating to prepaid legal service plans.

SECTION

A. Enacting clause.

379.901. Prepaid service plan defined — agent soliciting memberships, disclosures.

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

SECTION A. ENACTING CLAUSE. — Section 379.901, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.901, to read as follows:

379.901. PREPAID SERVICE PLAN DEFINED — AGENT SOLICITING MEMBERSHIPS, DISCLOSURES. — 1. As used in this section the term "prepaid legal service plan", means any person, company, corporation, partnership or other legal entity who collects periodic fees on a prepaid basis from residents of this state in connection with legal coverage other than:

(a) Retainer contracts made by attorneys-at-law with an individual client with fees based on estimates of the nature and amount of legal services to be provided to that specific client and similar contracts made with a group of clients involved in the same or closely related legal matters;

(b) Any lawyer aid or other legal services program for the indigent;

(c) Any employer-employee welfare benefit plans to the extent that state laws are superseded by the Employee Retirement Income Security Act of 1974, 29 U.S.C., s. 1144, or any amendments thereto, provided evidence of exemption from state law is shown to the department;

(d) The furnishing of legal assistance by labor unions and other employee organizations to their members in matters relating to employment or occupations;

(e) The furnishing of legal assistance to members or their dependents by churches, cooperatives, educational institutions, credit unions, labor unions or other organizations of employees, where such organizations contract with and pay directly a lawyer or law firm for the provision of legal services, where the assistance is provided as an incident to membership and not on the basis of an optional fee or charge and the administration of such program of legal assistance is wholly conducted by the organization;

(f) Legal services provided by an agency of the federal or state government or a subdivision thereof to its employees.

2. Any person who solicits memberships on behalf of a prepaid legal services plan shall [be licensed as an insurance agent as provided by chapter 375] **disclose to the consumer in writing that a prepaid legal services plan is not an insurance product and is not regulated by the department of insurance, financial institutions and professional registration.**

Approved July 10, 2014

SB 609 [SB 609]

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

Modifies applicability of electronic communication of insurance documents to other provisions of law

AN ACT to repeal sections 379.011 and 379.012, RSMo, and to enact in lieu thereof two new sections relating to providing certain insurance documents through electronic means.

SECTION

- A. Enacting clause.
- 379.011. Documents required for insurance transactions or proof of coverage by electronic means permitted, when, requirements — inapplicability.
- 379.012. Insurance forms and endorsements may be available on insurer's website, when, requirements — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 379.011 and 379.012, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 379.011 and 379.012, to read as follows:

379.011. DOCUMENTS REQUIRED FOR INSURANCE TRANSACTIONS OR PROOF OF COVERAGE BY ELECTRONIC MEANS PERMITTED, WHEN, REQUIREMENTS — INAPPLICABILITY.— 1. As used in this section, the following terms mean:

(1) "Delivered by electronic means", includes delivery to an electronic mail address at which a party has consented to receive notices or documents, or posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with a separate notice to a party directed to the electronic mail address at which the party has consented to receive notice of the posting;

(2) "Party", any recipient of any notice or document required as part of an insurance transaction, including but not limited to an applicant, an insured or a policyholder.

2. Subject to subsection 3 of this section, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means so long as it meets the requirements of sections 432.200 to 432.295. Delivery of a notice or document in accordance with this subsection shall be considered equivalent to any delivery method required under applicable law, including delivery by first class mail, first class mail postage prepaid, certified mail, or certificate of mailing.

3. A notice or document may be delivered by electronic means by an insurer to a party under this subsection if:

(1) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(a) Any right or option to have the notice or document provided in paper or another nonelectronic form at no additional cost;

(b) The right of party to withdraw consent to have a notice or document delivered by electronic means;

(c) Whether the party's consent applies only to the particular transaction as to which the notice or document must be given or to identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship;

(d) The means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means at no additional cost; and

(e) The procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically;

(3) The party, before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means and consents electronically, and confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(4) After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered in electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies:

(a) Provides the party with a statement of the revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means and of the right of the party to withdraw consent pursuant to paragraph (b) of subdivision (2) of this subsection; and

(b) Complies with subdivision (2) of this subsection.

4. This section does not affect requirements relating to content or timing of any notice or document required under applicable law. If any provision of applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt. Absent verification or acknowledgment of receipt of the initial notice or document on the part of the party, the insurer shall send two subsequent notices or documents at intervals of five business days. The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be made contingent upon obtaining electronic consent or confirmation of consent of the party in accordance with subdivision (3) of subsection 3 of this section.

5. A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective. A withdrawal of consent by a party is effective within thirty days after receipt of the withdrawal by the insurer. Failure by an insurer to comply with subdivision (4) of subsection 3 of this section may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

6. This section does not apply to a notice or document delivered by an insurer in an electronic form before August 28, 2013, to a party who, before that date, has consented to receive notices or documents in an electronic form otherwise allowed by law. If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before August 28, 2013, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall notify the party of:

(1) The notices or documents that may be delivered by electronic means under this section that were not previously delivered electronically; and

(2) The party's right to withdraw consent to have notices or documents delivered by electronic means.

7. A party who does not consent to delivery of notices or documents under subsection 3 of this section, or who withdraws their consent, shall not be subject to any additional fees or costs for having notices or documents provided or made available to them in paper or another nonelectronic form.

8. If any provision of applicable law requires a signature or notice or document to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by the provision, is attached to or logically associated with the signature, notice, or document.

9. This section may not be construed to modify, limit, or supercede the provisions of sections **354.442, 376.1450, or 432.200 to 432.295. The provisions of this section shall apply to notices and documents issued by insurers organized under chapter 379 or 380 and to notices and documents relating to life insurance products issued by insurers organized under chapter 376.**

10. Nothing in this section shall prevent an insurer from offering a discount to an insured who elects to receive notices and documents electronically in accordance with this section.

379.012. INSURANCE FORMS AND ENDORSEMENTS MAY BE AVAILABLE ON INSURER'S WEBSITE, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In addition to and notwithstanding any other provisions or requirements of section 379.011 to the contrary, insurance policy forms and endorsements for [property] insurance as described in subdivisions (1), (2), (3), and (5) of subsection 1 of section 379.010 issued or renewed in this state, or covering risks in this state, which do not contain personally identifiable information, may be made available electronically on the insurer's website in lieu of mailing or delivering a paper copy of policy forms and endorsements to an insured. **Any insurer, including any insurer organized under chapter 380, issuing any insurance of the types described in this section may make policy forms and endorsements available electronically on the insurer's website in the manner prescribed under this section.**

2. If the insurer elects to make such insurance policy forms and endorsements available electronically on the insurer's website in lieu of mailing or delivering a paper copy to the insured, it shall comply with all the following conditions with respect to such policy forms and endorsements:

(1) The policy forms and endorsements issued or sold in this state shall be easily and publicly accessible on the insurer's website and remain that way for as long as the policy form or endorsement is in force or actively sold in this state;

(2) The insurer shall retain and store the policy forms and endorsements after they are withdrawn from use or replaced with other policy forms and endorsements for a period of five years and make them available to insureds and former insureds upon request and at no cost;

(3) The policy forms and endorsements shall be available on the insurer's website in an electronic format that enables the insured to print and save the policy forms and endorsements using programs or applications that are widely available on the internet and free to use;

(4) At policy issuance and renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, that it does not intend to mail or deliver a paper copy of the policy forms or documents. The notice shall provide instructions on how the insured may access the policy forms and endorsements on the insurer's website. The insurer shall also notify the insured of their right to obtain a paper copy of the policy forms and endorsements at no cost and provide either a toll-free telephone number or the telephone number of the insured's producer by which the insured can make this request;

(5) At policy renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, of any changes which have been made to the policy forms or endorsements since the prior coverage period. Such notice shall be made in accordance with the requirements of subdivision (4) of this subsection; and

(6) On each declarations page, or similar coverage summary document, issued to an insured, the insurer shall clearly identify the exact policy forms and endorsements purchased by the insured, so that the insured may easily access those forms on the insurer's website.

3. The director may promulgate any rules necessary to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved June 5, 2014

SB 610 [SB 610]

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

Extends consumer protections against predatory business practices by contractors to owners of commercial properties

AN ACT to repeal section 407.725, RSMo, and to enact in lieu thereof one new section relating to commercial exterior contractors.

SECTION

A. Enacting clause.

407.725. Work and services for insured persons, contractors not to induce sales — cancellation of contracts, requirements, contractor duties — violations, penalty.

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

SECTION A. ENACTING CLAUSE. — Section 407.725, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.725, to read as follows:

407.725. WORK AND SERVICES FOR INSURED PERSONS, CONTRACTORS NOT TO INDUCE SALES — CANCELLATION OF CONTRACTS, REQUIREMENTS, CONTRACTOR DUTIES — VIOLATIONS, PENALTY. — 1. As used in this section, the following terms mean:

(1) "[Residential] Contractor", a person or entity in the business of contracting or offering to contract with an owner or possessor of residential **or commercial** real estate to repair or replace roof systems or perform any other exterior repair, replacement, construction, or reconstruction work on **any residential or commercial structure situated upon such** real estate;

(2) ["Residential real estate", a new or existing building constructed for habitation by one to four families, including detached garages;

(3)] "Roof system", includes roof coverings, roof sheathing, roof weatherproofing, and insulation.

2. A [residential] contractor shall not advertise or promise to pay or rebate all or any portion of any insurance deductible as an inducement to the sale of goods or services. As used in this

section, a promise to pay or rebate includes granting any allowance or offering any discount against the fees to be charged or paying the insured or any person directly or indirectly associated with the property any form of compensation, gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason.

3. A person who has entered into a written contract with a [residential] contractor to provide goods or services to be paid under a property and casualty insurance policy may cancel the contract prior to midnight on the fifth business day after the insured party has received written notice from the insurer that all or any part of the claim or contract is not a covered loss under the insurance policy. Cancellation shall be evidenced by the insured party giving written notice of cancellation to the [residential] contractor at the address stated in the contract. Notice of cancellation, if given by mail, shall be effective upon deposit into the United States mail, postage prepaid and properly addressed to the [residential] contractor. Notice of cancellation need not take a particular form and shall be sufficient if it indicates, by any form of written expression, the intention of the insured party not to be bound by the contract.

4. Before entering a contract referred to in subsection 3 of this section, the [residential] contractor shall:

(1) Furnish the insured party a statement in boldface type of a minimum size of ten points, in substantially the following form:

You may cancel this contract at any time before midnight on the fifth business day after you have received written notification from your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy. See attached notice of cancellation form for an explanation of this right; and

(2) Furnish each insured a fully completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract but easily detachable, and which shall contain, in boldface type of a minimum size of ten points, the following statement:

NOTICE OF CANCELLATION

If you are notified by your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice to (name of contractor) at (address of contractor's place of business) at any time prior to midnight on the fifth business day after you have received such notice from your insurer. If you cancel, any payments made by you under the contract, except for certain emergency work already performed by the contractor, will be returned to you within ten business days following receipt by the contractor of your cancellation notice.

I HEREBY CANCEL THIS TRANSACTION

(date)

(insured's signature).

5. Within ten days after a contract referred to in subsection 3 of this section has been cancelled, the contractor shall tender to the owner or possessor of [residential] real estate any payments, partial payments, or deposits made and any note or other evidence of indebtedness. If, however, the contractor has performed any emergency services, acknowledged by the insured in writing to be necessary to prevent damage to the premises, the contractor shall be entitled to the reasonable value of such services. Any provision in a contract referred to in subsection 3 of this section that requires the payment of any fee for anything except emergency services shall not be enforceable against the owner or possessor of [residential] real estate who has cancelled a contract pursuant to this section.

6. A [residential] contractor shall not represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an owner or possessor of [residential] real estate on any insurance claim in connection with the repair or replacement of roof systems, or the performance of any other exterior repair, replacement, construction, or reconstruction work.

7. Any violation of this section by a [residential] contractor shall be considered an unfair practice pursuant to the Missouri merchandising practices act as codified in this chapter.

Approved June 5, 2014

SB 621 [CCS#2 HCS SB 621]

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

Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention

AN ACT to repeal sections 3.010, 3.066, 3.090, 56.110, 67.320, 408.040, 447.560, 447.584, 452.556, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial procedures, with penalty provisions and an effective date for certain sections and an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 3.010. Revised statutes to be published, when — costs.
- 3.066. Statutes declared unconstitutional on procedural grounds, duties of the revisor — statute enjoined, revisor's duty to publish footnote.
- 3.090. Comparison of printed statutes with original rolls — certification — evidence of laws — publication on website.
- 21.880. Joint committee established, members, meetings, duties, report — permanent subcommittee on the Missouri criminal code — staff assistance — compensation.
- 56.110. If interested in case, court to appoint substitute.
- 57.095. Service of process, immunity from liability for sheriffs and law enforcement officers, when.
- 67.320. County orders, violations may be brought in circuit court, when — county municipal court to be approved, appointment of judges, procedures (Jefferson and Franklin counties).
- 408.040. Interest on judgments, how regulated — prejudgment interest allowed when, procedure.
- 447.534. United States savings bonds deemed abandoned, when — proceeds to escheat to the state, when — filing of a claim, procedure.
- 447.560. Record of property, content — retained for public inspection — information not public record, when — public record, when — penalty for disclosure — military medals, procedure — United States savings bonds, procedure.
- 447.584. Agreements — property held by business entities in other states or governmental entities — treasurer, duties — fees.
- 452.556. Handbook, contents, availability.
- 456.4-420. No-contest clause, claims for relief.
- 474.395. No-contest clauses, application of, petition may be filed — definition.
- 476.001. Purpose of law.
- 476.320. Judicial conference of the state of Missouri established, members.
- 476.330. Conference shall meet, when.
- 476.340. Executive council shall be governing body, how formed — members.
- 478.240. Presiding judge, term, selection procedures — chief justice of supreme court may remove presiding judge, designate acting judge — authority to assign cases, exception — judge hears case not properly assigned, effect.
- 478.320. Associate circuit judges, authorized number — population determination — election — restrictions on practice of law or paid public appointment — residency requirement.
- 478.437. Circuit No. 21, number of judges.
- 478.464. Associate circuit divisions numbered — divisions to sit, where — (Jackson County).
- 478.513. Circuit No. 31, number of judges, divisions — when judges elected.
- 478.600. Circuit No. 11, number of judges, divisions — when judges elected — drug commissioner to become associate circuit judge position.

- 478.610. Circuit No. 13, number of judges, divisions — when judges elected — additional associate circuit judge for Boone County, when.
- 478.740. Circuit No. 38, number of judges — number of divisions-election dates.
- 488.305. Court costs — circuit clerk, duties — surcharge for garnishment cases (statutory liens).
- 488.2206. Circuit No. 37, additional surcharge for a county or municipal judicial facility.
- 525.040. Effect of notice of garnishment — priority based on date of service.
- 525.070. Garnishee may discharge himself, how.
- 525.080. Garnishee to deliver property, or pay debts, or may give bond therefor.
- 525.230. Garnishee is a financial institution, one-time deduction permitted, when — procedure.
- 525.310. Compensation of state and municipal employees subject to garnishment, procedure.
- 632.480. Definitions.
- 632.483. Notice to attorney general, when — contents of notice — immunity from liability, when — multidisciplinary team established — prosecutors' review committee established.
- 632.484. Detention and evaluation of persons alleged to be sexually violent predators — duties of attorney general and department of mental health.
- 650.120. Grants to fund investigations of internet sex crimes against children — fund created — panel, membership, terms — local matching amounts — priorities — training standards — information sharing — panel recommendation — power of arrest — sunset provision.
- 550.040. State or county to pay costs on acquittal.
- 550.060. Prosecutor to pay costs, when no indictment found.
- B. Delayed effective date.
- C. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 3.010, 3.066, 3.090, 56.110, 67.320, 408.040, 447.560, 447.584, 452.556, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 3.010, 3.066, 3.090, 21.880, 56.110, 57.095, 67.320, 408.040, 447.534, 447.560, 447.584, 452.556, 456.4-420, 474.395, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 478.740, 488.305, 488.2206, 525.040, 525.070, 525.080, 525.230, 525.310, 632.480, 632.483, 632.484, and 650.120, to read as follows:

3.010. REVISED STATUTES TO BE PUBLISHED, WHEN — COSTS. — [As soon as possible after the final adjournment of the seventieth general assembly and at least every ten years thereafter] **Only upon the adoption of a concurrent resolution by the general assembly**, the revised statutes of Missouri shall be printed, published and distributed in as many volumes as the committee on legislative research (herein called "the committee") shall determine, and such publication shall be under the direction and supervision of the committee. The annotations **or supplements** may be printed separately **and without a concurrent resolution being adopted by the general assembly**. The cost of printing, binding and delivery of such publication shall be paid from funds appropriated from the general revenue for that purpose.

3.066. STATUTES DECLARED UNCONSTITUTIONAL ON PROCEDURAL GROUNDS, DUTIES OF THE REVISOR — STATUTE ENJOINED, REVISOR'S DUTY TO PUBLISH FOOTNOTE. — **1.** When the Missouri supreme court or a federal court with competent jurisdiction makes a final ruling that a bill enacted by the Missouri general assembly or a Missouri state statute or any portion of a Missouri state statute contained in a bill enacted by the Missouri general assembly is unconstitutional on procedural grounds, the Missouri revisor of statutes shall:

(1) For a repealed statute or an amended statute contained in such bill, reprint the statute as it existed in the revised statutes of Missouri prior to the enactment of the bill that the court declared unconstitutional;

(2) For a new statute contained in such bill, remove the new statute from the revised statutes of Missouri, if necessary, and publish only a footnote calling attention to the ruling of the court explaining the reason for the removal of such statute from the revised statutes of Missouri.

2. When a state or federal court with competent jurisdiction issues a permanent order enjoining a bill enacted by the Missouri general assembly or a Missouri state statute or any portion of a Missouri state statute contained in a bill enacted by the Missouri general assembly as unconstitutional on procedural grounds, the Missouri attorney general shall notify the Missouri revisor of statutes of any such order and the Missouri revisor of statutes shall publish a footnote to each affected section calling attention to the ruling of the court on any official website of the committee on legislative research. Such footnote shall remain until such time as a final ruling is made by the Missouri supreme court or a federal court with competent jurisdiction, and at such time, the Missouri revisor shall remove such footnote and, if necessary, shall update such website in like manner as provided in subsection 1 of this section.

3.090. COMPARISON OF PRINTED STATUTES WITH ORIGINAL ROLLS — CERTIFICATION — EVIDENCE OF LAWS — PUBLICATION ON WEBSITE. — 1. The revisor of statutes shall supervise the printing and publication of all editions of the revised statutes of Missouri and all supplements and pocket parts thereto. [He] **The revisor** shall proofread and compare all copies of laws appearing in the revised statutes of Missouri and supplement or pocket parts thereto and supervise the correction thereof to ensure that all such copies are true and correct copies of the existing laws of this state according to the original rolls thereof with only such variations in the language thereof as are authorized by section 3.060.

2. When any volume of any edition of the revised statutes of Missouri, or any supplement or any edition of pocket parts thereto is printed and published the revisor of statutes shall certify that all laws printed therein have been examined and compared as required by this section and that the same are true and correct copies thereof as passed and remaining in the office of the secretary of state, and that the revised statutes, supplement or pocket part thereto, as thus published, and all laws as therein contained, are true copies of the existing laws of the state of Missouri, of a general nature. [He] **The revisor** shall deposit a copy of each volume of the revised statutes, supplement or pocket part, so certified, in the secretary's office, which shall be prima facie evidence of such statutes. The certificate shall be printed in each copy of the revised statutes, supplement or pocket part, and every copy so printed containing the certificate may be used in evidence without other or further proof of authentication.

3. **The revisor of statutes shall supervise the publication of the revised statutes on any official website of the committee on legislative research. Such supervision shall comply with the provisions of subsection 1 of this section to ensure that a true and correct copy of the existing laws of this state are placed on such website. However, the online version of the revised statutes on any official website of the committee on legislative research shall not be considered an official version of the revised statutes, unless the revisor of statutes chooses to certify it as such and places a certificate on the website. The revisor shall periodically update such website as new laws are enacted, including an update of the website on the effective date of any section that becomes law.**

21.880. JOINT COMMITTEE ESTABLISHED, MEMBERS, MEETINGS, DUTIES, REPORT — PERMANENT SUBCOMMITTEE ON THE MISSOURI CRIMINAL CODE — STAFF ASSISTANCE — COMPENSATION. — 1. There is hereby established a permanent joint committee of the general assembly, which shall be known as the "Joint Committee on the Justice System" and shall be composed of the following members:

- (1) The chairs of the senate and house committees on the judiciary;
- (2) The ranking minority members of the senate and house committees on the judiciary;
- (3) Two members of the senate appointed by the president pro tempore of the senate, one of whom shall be a member of the senate committee on appropriations;
- (4) The chair of the house committee with jurisdiction over matters relating to criminal laws, law enforcement, and public safety;

(5) The chair of the house committee with jurisdiction over matters relating to state correctional institutions;

(6) A member of the senate appointed by the minority floor leader of the senate;

(7) A member of the house of representatives appointed by the minority floor leader of the house of representatives;

(8) Three nonvoting ex officio members who shall be the chief justice of the Missouri supreme court, the state auditor, and the attorney general, or their designees.

2. No more than three members from each house shall be of the same political party.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chair and vice chair, one of whom shall be the senate judiciary chair and one of whom shall be the house judiciary chair. The positions of chair and vice chair shall alternate every two years thereafter between the senate and house. After its organization, the committee shall meet regularly, at least twice a year, at such time and place as the chair designates, including locations other than Jefferson City. A majority of the members of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

4. In order to promote the effective administration of justice and public safety, it shall be the duty of the joint committee to:

(1) Review and monitor:

(a) The state's justice system;

(b) The state's criminal laws, law enforcement, and public safety;

(c) The state's correctional institutions and penal and correctional issues; and

(d) All state government efforts related to terrorism, bioterrorism, and homeland security;

(2) Receive reports from the judicial branch, state or local government agencies or departments, and any entities attached to them for administrative purposes;

(3) Conduct an ongoing study and analysis of the state's justice system and related issues;

(4) Determine the need for changes in statutory law, rules, policies, or procedures;

(5) Make any recommendations to the general assembly for legislative action; and

(6) Perform other duties authorized by concurrent resolution of the general assembly.

5. By January 15, 2016, and every year thereafter, it shall be the duty of the joint committee to file with the general assembly a report of its activities, along with any findings or recommendations the committee may have for legislative action.

6. The joint committee shall establish a permanent subcommittee on the Missouri criminal code, which shall conduct and supervise a continuing program of revision designed to maintain the cohesiveness, consistency, and effectiveness of the criminal laws of the state. In connection with this program, the committee may select an advisory committee on the Missouri criminal code, composed of a representative of the Missouri supreme court, a representative of the office of the attorney general, and other individuals known to be interested in the improvement of the state's criminal laws, and may authorize the payment of any actual and necessary expenses incurred by such members while attending meetings with the committee or the subcommittee on the Missouri criminal code. The subcommittee on the Missouri criminal code shall present to the general assembly in each tenth year such criminal code revision bills as it finds appropriate to accomplish its purpose.

7. The joint committee may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house and the joint committee on legislative research, and may employ such personnel as it deems necessary to carry out the duties imposed by this section, within the limits of any appropriation for such purpose. In the performance of its duties, the committee may request assistance or information

from all branches of government and state departments, agencies, boards, commissions and offices.

8. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund.

56.110. IF INTERESTED IN CASE, COURT TO APPOINT SUBSTITUTE. — If the prosecuting attorney and assistant prosecuting attorney be interested or shall have been employed as counsel in any case where such employment is inconsistent with the duties of his or her office, or shall be related to the defendant in any criminal prosecution, either by blood or by marriage, the court having criminal jurisdiction may appoint some other attorney to prosecute or defend the cause. **Such special prosecutor shall not otherwise represent a party other than the state of Missouri in any criminal case or proceeding in that circuit for the duration of that appointment and shall be considered an appointed prosecutor for purposes of section 56.360.**

57.095. SERVICE OF PROCESS, IMMUNITY FROM LIABILITY FOR SHERIFFS AND LAW ENFORCEMENT OFFICERS, WHEN. — **Notwithstanding the provisions of section 537.600 to the contrary, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers' actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.**

67.320. COUNTY ORDERS, VIOLATIONS MAY BE BROUGHT IN CIRCUIT COURT, WHEN — COUNTY MUNICIPAL COURT TO BE APPROVED, APPOINTMENT OF JUDGES, PROCEDURES (JEFFERSON AND FRANKLIN COUNTIES). — 1. Any county [of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred] **with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand** inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. Except as provided in subsection 5 of this section in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the

county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

408.040. INTEREST ON JUDGMENTS, HOW REGULATED — PREJUDGMENT INTEREST ALLOWED WHEN, PROCEDURE. — 1. Judgments shall accrue interest on the judgment balance as set forth in this section. The "judgment balance" is defined as the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits shall be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance.

2. In all nontort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date judgment is entered by the trial court until satisfaction be made by payment, accord or sale of property; all such judgments and orders for money upon contracts bearing more than nine percent interest shall bear the same interest borne by such contracts, and all other judgments and orders for money shall bear nine percent per annum until satisfaction made as aforesaid.

[2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section, in tort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date [of] judgment is entered by the trial court until full satisfaction. All such judgments and orders for money shall bear a per annum interest rate equal to the intended Federal Funds Rate, as established by the Federal Reserve Board, plus five percent, until full satisfaction is made. The judgment shall state the applicable interest rate, which shall not vary once entered. In tort actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a claim, to the party, parties or their representatives, and to such party's liability insurer if known to the claimant, and the amount of the judgment or order exceeds the demand for payment or offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety days after the demand or offer was received, as shown by the certified mail return receipt, or from the date the demand or offer was rejected without counter offer, whichever is earlier. In order to qualify as a demand or offer pursuant to this section, such demand must:

- (1) Be in writing and sent by certified mail return receipt requested; and
- (2) Be accompanied by an affidavit of the claimant describing the nature of the claim, the nature of any injuries claimed and a general computation of any category of damages sought by the claimant with supporting documentation, if any is reasonably available; and
- (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a list of the names and addresses of medical providers who have provided treatment to the claimant or decedent for such injuries, copies of all reasonably available medical bills, a list of employers if the claimant is seeking damages for loss of wages or earning, and written authorizations sufficient to allow the party, its representatives, and liability insurer if known to the claimant to obtain records from all employers and medical care providers; and
- (4) Reference this section and be left open for ninety days.

Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause of action in circuit court prior to a date one hundred twenty days after the demand or offer was received, then the court shall not award prejudgment interest to the claimant. If the claimant is a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably appears to be qualified to act as next friend or conservator or personal representative. If the claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to section 537.080 to make claim for the death. Nothing contained herein shall limit the right of a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise provided by law or contract.

[3.] 4. In tort actions, a judgment for prejudgment interest awarded pursuant to this [subsection] **section** should bear interest at a per annum interest rate equal to the intended

Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The judgment shall state the applicable interest rate, which shall not vary once entered.

447.534. UNITED STATES SAVINGS BONDS DEEMED ABANDONED, WHEN — PROCEEDS TO ESCHAT TO THE STATE, WHEN — FILING OF A CLAIM, PROCEDURE. — 1. Notwithstanding the provisions of subsection 2 of section 447.532, section 447.533, and subsection 1 of section 447.545, United States savings bonds which are unclaimed property and subject to the provisions of sections 447.500 to 447.595 shall be deemed abandoned when they have remained unclaimed for more than three years after their date of maturity and such bonds and the proceeds from such bonds, including all principal and interest due, in the possession of the treasurer or with an owner whose last known address is located in Missouri shall escheat to the state of Missouri three years after becoming unclaimed property by virtue of the provisions of sections 447.500 to 447.595 and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri according to the procedure set forth as follows:

(1) After one hundred eighty days following the second three year period referenced in this subsection, if no claim has been approved in accordance with the provisions of section 447.562 for such United States savings bonds or proceeds from such bonds, the treasurer shall commence a civil action in the circuit court of Cole County for a determination that such United States savings bonds and the proceeds from such bonds shall escheat to the state of Missouri. The treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the treasurer's custody to justify the expense of such proceedings;

(2) If no person shall file a claim or appear at the hearing to substantiate a claim or where the court determines that a claimant is not entitled to the United States savings bonds or proceeds from such bonds claimed by such claimant, then the court, if satisfied by evidence that the treasurer has substantially complied with the laws of the state of Missouri, shall enter a judgment that the subject United States savings bonds and the proceeds from such bonds have escheated to the state of Missouri, and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri;

(3) The treasurer shall redeem such United States savings bonds escheated to the state of Missouri and the proceeds from such redemption of United States savings bonds shall be deposited in the abandoned fund account created by section 447.543.

2. Any person making a claim for the United States savings bonds escheated to the state of Missouri, or for the proceeds from such bonds, may file a claim in accordance with the provisions of section 447.562. Upon providing sufficient proof of the validity of such person's claim, the treasurer may pay such claim in accordance with the provisions of section 447.565.

447.560. RECORD OF PROPERTY, CONTENT — RETAINED FOR PUBLIC INSPECTION — INFORMATION NOT PUBLIC RECORD, WHEN — PUBLIC RECORD, WHEN — PENALTY FOR DISCLOSURE — MILITARY MEDALS, PROCEDURE — UNITED STATES SAVINGS BONDS, PROCEDURE. — 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

5. The treasurer shall retain a record of the name and, if known, the last known address of each person named on the United States savings bonds which have escheated to the state of Missouri and which have been redeemed by the treasurer under section 447.534. The record shall be made public and available for public inspection at all reasonable business hours. In addition, if a United States savings bond is redeemed in an amount that is less than fifty dollars, the amount redeemed may be made available as public information. No other information furnished to the treasurer in regard to such United States savings bonds, including Social Security numbers or other identifying information shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses, or permits the inspection of such information shall be guilty of a misdemeanor.

447.584. AGREEMENTS — PROPERTY HELD BY BUSINESS ENTITIES IN OTHER STATES OR GOVERNMENTAL ENTITIES — TREASURER, DUTIES — FEES. — The treasurer, with the approval of the governor, may enter into agreements with any person, firm or corporation to assist in the identification, collection, and processing of abandoned **or escheated** property held by any business entity domiciled and located in another state **or any governmental entity**. The treasurer may agree to pay a fee for such services based in whole or in part on a percentage of the value of any property received pursuant to such agreements. Any expenses paid pursuant to this section may not be deducted from the amount subject to claim [by the owner] under sections 447.500 to 447.595.

452.556. HANDBOOK, CONTENTS, AVAILABILITY. — 1. The state courts administrator shall create a handbook or be responsible for the approval of a handbook outlining the following:

- (1) What is included in a parenting plan;
- (2) The benefits of the parties agreeing to a parenting plan which outlines education, custody and cooperation between parents;
- (3) The benefits of alternative dispute resolution;
- (4) The pro se family access motion for enforcement of custody or temporary physical custody;
- (5) The underlying assumptions for supreme court rules relating to child support; and
- (6) A party's duties and responsibilities pursuant to section 452.377, including the possible consequences of not complying with section 452.377. The handbooks shall be distributed to each court and shall be available in an alternative format, including Braille, large print, or electronic

or audio format upon request by a person with a disability, as defined by the federal Americans with Disabilities Act.

2. Each court shall [mail] **provide** a copy of the handbook developed pursuant to subsection 1 of this section to each party in a dissolution or legal separation action filed pursuant to section 452.310, or any proceeding in modification thereof, where minor children are involved, or may provide the petitioner with a copy of the handbook at the time the petition is filed and direct that a copy of the handbook be served along with the petition and summons upon the respondent.

3. The court shall make the handbook available to interested state agencies and members of the public.

456.4-420. NO-CONTEST CLAUSE, CLAIMS FOR RELIEF. — 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction or otherwise, on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This

definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law, including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;

(4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

(5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;

(6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;

(7) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.

8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys' fees to any party, as provided in section 456.10-1004.

474.395. NO-CONTEST CLAUSES, APPLICATION OF, PETITION MAY BE FILED — DEFINITION. — 1. If a will contains a no-contest clause, an interested person may file a petition with the court for a determination whether a particular motion, petition, action, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy, which application would be adjudicated in the manner prescribed in section 456.4-420, and subject to the provisions set forth therein.

2. For purposes of this section, a "no-contest clause" shall mean a provision in a will purporting to rescind a donative transfer to, or a fiduciary appointment of, any person who institutes a proceeding challenging the validity of all or part of the will, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in the estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term no-contest clause shall also mean an "in terrorem clause".

476.001. PURPOSE OF LAW. — An efficient, well operating and productive judiciary is essential to the preservation of the people's liberty and prosperity. In order to achieve this goal, the general assembly and the supreme court must constantly be aware of the operations, needs, strengths and weaknesses of the judicial system. It is the purpose of sections 476.001, **476.055, 476.330 to 476.380**, 476.412, [476.415 and] 476.681, and **477.405** to provide the general assembly and the supreme court with the mechanisms to obtain on a continuing basis a comprehensive analysis of judicial resources and an efficient and organized method of identifying the problems and needs as they occur. It is the further purpose of sections 476.001, **476.055, 476.330 to 476.380**, 476.412, [476.415 and] 476.681, **477.405, 478.073, 478.320**, and

subdivision (12) of subsection 1 of section 600.042 to provide a system for the efficient allocation of available personnel, facilities and resources to achieve a uniform and effective operation of the judicial system.

476.320. JUDICIAL CONFERENCE OF THE STATE OF MISSOURI ESTABLISHED, MEMBERS. — There is hereby established "The Judicial Conference of the State of Missouri". The conference shall consist of the judges [and commissioners] of the supreme court and of the court of appeals, the circuit judges, associate circuit judges, family court commissioners, the commissioners of the juvenile division of the circuit courts, and all judges and commissioners who have retired under any of the provisions of sections 476.450 to 476.595 heretofore or hereafter in effect. The chief justice of the supreme court, or in his absence the vice president elected by the executive council, shall be the presiding officer.

476.330. CONFERENCE SHALL MEET, WHEN. — The conference shall meet on the call of the chief justice. A meeting shall be called at least once [a] **every odd-numbered** year at some convenient time and place in the state. It shall be the duty of all members of the conference to attend such [annual] meeting.

476.340. EXECUTIVE COUNCIL SHALL BE GOVERNING BODY, HOW FORMED — MEMBERS. — 1. The governing body of the conference, between [annual] sessions, shall be the executive council. The executive council shall consist of the following members:

(1) The chief justice of the supreme court, or some member of the supreme court appointed by him;

(2) Two other members of the supreme court appointed by the supreme court;

(3) One member of each district of the court of appeals elected by the judges thereof, respectively;

(4) Eight circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges, other than judges of the probate division, of the district to represent each of the districts of the court of appeals, respectively. A judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Five of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state;

(5) One judge of the probate division of circuit courts in counties having a population of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) Three associate circuit judges elected for three-year terms, one from each district of the court of appeals, by the associate circuit judges of the district to represent each of the districts of the court of appeals, respectively;

(7) Three other associate circuit judges elected for three-year terms by the associate circuit judges of the state;

(8) One associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(9) One retired judge or commissioner who is a member of the judicial conference elected for a three-year term by such judges and commissioners.

Members of the executive council on August 28, 2003, shall serve out their terms and their replacements shall be elected under the provisions of this section. Vacancies shall be filled for the unexpired term of any member as provided by resolution of the judicial conference.

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

478.240. PRESIDING JUDGE, TERM, SELECTION PROCEDURES — CHIEF JUSTICE OF SUPREME COURT MAY REMOVE PRESIDING JUDGE, DESIGNATE ACTING JUDGE — AUTHORITY TO ASSIGN CASES, EXCEPTION — JUDGE HEARS CASE NOT PROPERLY ASSIGNED, EFFECT. — 1. The presiding judge of each circuit which is provided by subsection 3 of section 15 of article V of the constitution shall be selected for a two-year term. The circuit and associate circuit judges in each circuit shall select by secret ballot a circuit judge from their number to serve as presiding judge. Selection and removal procedures, not inconsistent with the rules of the supreme court, may be provided by local court rule. If a presiding judge is disqualified from acting as a judicial officer pursuant to the constitution, article V, section 24, the circuit judges and associate circuit judges of the circuit shall select a circuit judge as presiding judge. If the circuit does not have an eligible judge to be elected presiding judge, then the chief justice of the supreme court may designate an acting presiding judge until a successor is chosen or until the disability of the presiding judge terminates.

2. Subject to the authority of the supreme court and the chief justice under article V of the constitution, the presiding judge of the circuit shall have general administrative authority over all judicial personnel and court officials in the circuit, including the authority to assign any judicial or court personnel anywhere in the circuit, and shall have the authority to assign judges to hear such cases or classes of cases as the presiding judge may designate, and to assign judges to divisions. Such assignment authority shall include the authority to authorize particular associate circuit judges to hear and determine cases or classes of cases. By this subsection the presiding judge shall not, however, be authorized to make the following assignments:

(1) Assignment of a municipal judge to hear any case other than to initially hear a municipal ordinance violation case of the municipality which makes provision for such municipal judge, except that the presiding judge of a circuit may assign a municipal judge of a municipality within the circuit to hear and determine municipal ordinance violations in a court of another municipality within the circuit if the municipality to which the judge is especially assigned by the presiding judge has made provision for the compensation of such judge;

(2) Assignment of a judge to hear the trial of a felony case when he **or she** has previously conducted the preliminary hearing in that case, **unless the defendant has signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial, or unless the defendant has indicated on the record that the defendant is permitting the same judge to hear both the preliminary hearing and the trial;**

(3) Assignment of a case to a judge contrary to provisions of supreme court rules or local circuit court rules; and

(4) Assignment of a case or class of cases not within the class of cases specified in section 472.020, to a circuit judge who is also judge of the probate division and who was on January 1, 1979, a probate judge shall only be with the consent of such judge of the probate division.

3. If any circuit judge or associate circuit judge shall proceed to hear and determine any case or class of cases which has not been assigned to him **or her** by the presiding judge pursuant to subsection 1 or 2 of this section, or to which he **or she** had not been transferred by the chief justice of the supreme court, or in the event the purported assignment to him **or her** shall be determined to be defective or deficient in any manner, any order or judgment he **or she** may have entered may be set aside, as otherwise provided by rule or by law, and the judge may be subject to discipline under article V, section 24 of the Missouri Constitution, but he **or she** shall not be deemed to have acted other than as a judicial officer because of any such absence, defect or deficiency of assignment under this section, or transfer by the chief justice.

478.320. ASSOCIATE CIRCUIT JUDGES, AUTHORIZED NUMBER — POPULATION DETERMINATION — ELECTION — RESTRICTIONS ON PRACTICE OF LAW OR PAID PUBLIC APPOINTMENT — RESIDENCY REQUIREMENT. — 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit

judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. [When the office of state courts administrator indicates in an annual judicial weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In a multicounty circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.

3.] For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[4.] 3. Except in circuits where associate circuit judges are selected under the provisions of Sections 25(a) to (g) of Article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[5.] 4. In counties not subject to Sections 25(a) to (g) of Article V of the constitution, associate circuit judges shall be elected by the county at large.

[6.] 5. No associate circuit judge shall practice law, or do a law business, nor shall he or she accept, during his or her term of office, any public appointment for which he or she receives compensation for his or her services.

[7.] 6. No person shall be elected as an associate circuit judge unless he or she has resided in the county for which he or she is to be elected at least one year prior to the date of his or her election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

478.437. CIRCUIT NO. 21, NUMBER OF JUDGES. — [The circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges]

1. Beginning in fiscal year 2015, there shall be twenty circuit judges in the twenty-first judicial circuit. These judges shall sit in twenty divisions, and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the twenty-first judicial circuit. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional judgeships per county under section 478.320.

478.464. ASSOCIATE CIRCUIT DIVISIONS NUMBERED — DIVISIONS TO SIT, WHERE — (JACKSON COUNTY). — [1.] In the sixteenth judicial circuit, [associate circuit divisions shall hereafter be numbered beginning with the number 25:

- (1) Division 101 shall hereafter be division 25;
- (2) Division 102 shall hereafter be division 26;
- (3) Division 103 shall hereafter be division 27;
- (4) Division 104 shall hereafter be division 28;
- (5) Division 105 shall hereafter be division 29;
- (6) Division 106 shall hereafter be division 30;
- (7) Division 107 shall hereafter be division 31; and

(8) Division 108 shall hereafter be division 32.

2. Twelve months after construction of two new courtrooms in Independence is completed, there shall be one additional associate circuit judge in the sixteenth judicial circuit, to be known as division 33. The presiding judge of such circuit shall certify to the state of administration office the actual date of completion of said construction.

3.] there shall be ten associate circuit judges. These judges shall sit in ten divisions, which shall be numbered beginning with the number 25. Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall sit in Independence. **Division 34 shall sit in the location determined by the court en banc. The tenth associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.**

478.513. CIRCUIT NO. 31, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED.

— 1. There shall be five circuit judges in the thirty-first judicial circuit [consisting of the county of Greene]. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

3. Beginning in fiscal year 2015, there shall be one additional associate circuit judge in the thirty-first judicial circuit, and there shall continue to be the associate judge position authorized in fiscal year 2014. Neither associate circuit judgeship shall be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

478.600. CIRCUIT NO. 11, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED

—**DRUG COMMISSIONER TO BECOME ASSOCIATE CIRCUIT JUDGE POSITION.** — 1. There shall be four circuit judges in the eleventh judicial circuit [consisting of the county of St. Charles]. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.

478.610. CIRCUIT NO. 13, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED — ADDITIONAL ASSOCIATE CIRCUIT JUDGE FOR BOONE COUNTY, WHEN. — 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three. Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982. The circuit judge in division four shall be elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.

3. [The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date,] **Beginning August 28, 2001**, there shall be one **more** additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.

478.740. CIRCUIT NO. 38, NUMBER OF JUDGES — NUMBER OF DIVISIONS-ELECTION DATES. — 1. **There shall be two circuit judges in the thirty-eighth judicial circuit. These judges shall sit in divisions numbered one and two.**

2. **The circuit judge in division two shall be elected in 2016, and such judicial position shall not be considered vacant or filled until January 1, 2017. The judge in division one shall be elected in 2018.**

488.305. COURT COSTS — CIRCUIT CLERK, DUTIES — SURCHARGE FOR GARNISHMENT CASES (STATUTORY LIENS). — 1. The clerk of the circuit court shall charge and collect fees for the clerk's duties as prescribed by sections 429.090 and 429.120 in such amounts as are determined pursuant to sections 488.010 to 488.020.

2. **The clerk of the circuit court may charge and collect in cases where a garnishment is granted, a surcharge not to exceed ten dollars for the clerk's duties. Any moneys collected under this subsection shall be placed in a fund to be used at the discretion of the circuit clerk to maintain and improve case processing and record preservation.**

488.2206. CIRCUIT NO. 37, ADDITIONAL SURCHARGE FOR A COUNTY OR MUNICIPAL JUDICIAL FACILITY. — 1. **In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirty-first judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge.**

2. **Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, construction, maintenance, and operation of any county or municipal judicial facility including, but not limited to, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying such operating costs, and any moneys not**

needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively.

525.040. EFFECT OF NOTICE OF GARNISHMENT — PRIORITY BASED ON DATE OF SERVICE. — 1. Notice of garnishment, served as provided in sections 525.010 to 525.480 shall have the effect of attaching all personal property, money, rights, credits, bonds, bills, notes, drafts, checks or other choses in action of the defendant in the garnishee's possession or charge, or under his **or her** control at the time of the service of the garnishment, or which may come into his **or her** possession or charge, or under his **or her** control, or be owing by him **or her**, between that time and the time of filing his **or her** answer, **or in the case of a continuous wage garnishment, until the judgment is paid in full or until the employment relationship is terminated, whichever occurs first**; but he **or she** shall not be liable to a judgment in money on account of such bonds, bills, notes, drafts, checks or other choses in action, unless the same shall have been converted into money since the garnishment, or he **or she** fail, in such time as the court may prescribe, to deliver them into court, or to the sheriff or other person designated by the court.

2. Writs of garnishment which would otherwise have equal priority shall have priority according to the date of service on the garnishee. **If the employee's wages have been attached by more than one writ of garnishment, the employer shall inform the inferior garnisher of the existence and case number of all senior garnishments.**

525.070. GARNISHEE MAY DISCHARGE HIMSELF, HOW. — Whenever any property, effects, money or debts, belonging or owing to the defendant, shall be confessed, or found by the court or jury, to be in the hands of the garnishee, the garnishee may, at any time before final judgment, discharge himself **or herself**, by paying or delivering the same, or so much thereof as the court shall order, to the sheriff [or], to the court, **or if applicable, to the attorney for the party on whose behalf the order of garnishment issued**, from all further liability on account of the property, money or debts so paid or delivered.

525.080. GARNISHEE TO DELIVER PROPERTY, OR PAY DEBTS, OR MAY GIVE BOND THEREFOR. — 1. If it appear that a garnishee, at or after his or her garnishment, was possessed of any property of the defendant, or was indebted to him **or her**, the court, or judge in vacation, may order the delivery of such property, or the payment of the amount owing by the garnishee, to the sheriff [or], into court, **or to the attorney for the party on whose behalf the order of garnishment issued**, at such time as the court may direct; or may permit the garnishee to retain the same, upon his or her executing a bond to the plaintiff, with security, approved by the court, to the effect that the property shall be forthcoming, or the amount paid, as the court may direct. Upon a breach of the obligation of such bond, the plaintiff may proceed against the obligors therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

2. Notwithstanding subsection 1 of this section, when property is protected from garnishment by state or federal law including but not limited to federal restrictions on the garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and Old Age, Survivors and Disability Insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not be delivered to the court, **or to any other person**, by the garnishee to the extent such protection or preemption is applicable.

525.230. GARNISHEE IS A FINANCIAL INSTITUTION, ONE-TIME DEDUCTION PERMITTED, WHEN — PROCEDURE. — [1. The court shall make the garnishee a reasonable allowance] **The garnishee may deduct a one-time sum not to exceed twenty dollars, or the fee previously agreed upon between the garnishee and judgment debtor where the garnishee is a financial institution**, for his or her trouble and expenses in answering the interrogatories **and**

withholding the funds, to be [paid out of the funds or proceeds of the property or effects confessed in his or her hands. The reasonable allowances shall include any court costs, attorney's fees and any other bona fide expenses of the garnishee.

2. The court also shall allow the garnishee, in addition to the reasonable allowance for his or her trouble and expenses in answering the interrogatories, to collect an administrative fee consisting of the greater of eight dollars or two percent of the amount required to be deducted by any court-ordered garnishment or series of garnishments arising out of the same judgment debt. Such fee shall be for the trouble and expenses in administering the notice of garnishment and paying over any garnished funds available to the court. The fee shall be withheld by the employer from the employee, or by any other garnishee from any fund garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against the court-ordered judgment and shall be collected first] **withheld from any funds garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against the court-ordered judgment and shall be collected first. The garnishee may file a motion with the court for additional costs, including attorney's fees, reasonably incurred in answering the interrogatories in which case the court may make such award as it deems reasonable. The motion shall be filed on or before the date the garnishee makes payment or delivers property subject to garnishment to the court.**

525.310. COMPENSATION OF STATE AND MUNICIPAL EMPLOYEES SUBJECT TO GARNISHMENT, PROCEDURE. — 1. [When a judgment has been rendered against an officer, appointee or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the court before whom the judgment was rendered, an application setting forth such facts, and that the judgment debtor is employed by the state, or a municipal corporation or other political subdivision of the state, with the name of the department of state or the municipal corporation or other political subdivision of the state which employs the judgment debtor, and the name of the treasurer, or the name and title of the paying, disbursing or auditing officer of the state, municipal corporation or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing of such application the clerk shall issue a writ of sequestration directed to the sheriff or other officer authorized to execute writs in the county in which such paying, disbursing or auditing officer may be found and the sheriff or other officer to whom the writ is directed shall serve a true copy thereof upon such paying, disbursing or auditing officer named therein, which shall have the effect of attaching any and all salary, wages, fees or earnings of the judgment debtor, which are not made exempt by virtue of the exemption statutes of this state and are not in excess of the amount due on the judgment and costs, then due and payable, from the date of the writ to the return day thereof.

2. The paying, disbursing or auditing officer charged with the duty of payment or audit of the salary, wages, fees or earnings of the judgment debtor shall deliver to the sheriff or officer serving the writ the amount, not to exceed the amount due upon the judgment and costs, of the salary, wages, fees or earnings of the judgment debtor not made exempt by virtue of the exemption statutes of this state, as the same shall become due to the judgment debtor. The paying, disbursing or auditing officer shall pay to the judgment debtor the remaining portion of his salary, wages, fees or earnings, as the same shall become due to the judgment debtor. The sheriff, or officer serving the writ, shall provide to the paying, disbursing or auditing officer along with the writ sufficient information to compute the amount which shall be delivered to the sheriff or officer serving the writ. Neither the state, municipal corporation or other political subdivision of the state, nor the paying, disbursing or auditing officer shall be liable for the payment of any amount above the amount delivered to the sheriff or officer serving the writ if the computation of the amount delivered is in accordance with the information provided with the writ.

3. The sheriff or officer serving such writ shall endorse thereon the day and date he received the same, and upon receiving any amount in connection with the writ, shall issue his

receipt to such paying, disbursing or auditing officer therefor. All amounts delivered to the sheriff, or officer serving said writ, in connection with the writ, or so much thereof as shall be necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the same manner as in the case of garnishment under execution. The sheriff or other officer serving the writ shall make his return to the writ showing the manner of serving the same, and he shall be allowed the same fees therefor as provided for levy of execution, and the writ shall be returnable in the same manner as the execution issued out of the court in which the judgment was rendered. Nothing in this section shall deprive the judgment debtor of any exemptions to which he may be entitled under the exemption laws of this state, and the same may be claimed by him to the sheriff or other officer serving the writ at any time on or before the return day of the writ in the manner provided under the exemption laws of this state. It shall be the duty of such sheriff or other officer serving the writ, at the time of the service thereof, to apprise the judgment debtor of his exemption rights, either in person or by registered letter directed to the judgment debtor to his last known address.] **The state, municipal, or other political subdivision employer served with a garnishment shall have the same duties and obligations as those imposed upon a private employer when served with a garnishment.**

2. Pay of any officer, appointee, or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, shall be subject to garnishment to the same extent as in any other garnishment. All garnishments against such employee shall proceed in the same manner as any other garnishment.

3. Service of legal process to which a department, municipal corporation, or other political subdivision of the state is subject under this section may be accomplished by personal service upon the paying, disbursing, or auditing officer of the state, municipal corporation, or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees, or earnings of such employees.

632.480. DEFINITIONS. — As used in sections 632.480 to 632.513, the following terms mean:

(1) "Agency with jurisdiction", the department of corrections or the department of mental health;

(2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

(3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;

(4) "Sexually violent offense", the felonies of rape in the first degree, forcible rape, rape, statutory rape in the first degree, sodomy in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse, sexual abuse in the first degree, rape in the second degree, sexual assault, sexual assault in the first degree, sodomy in the second degree, deviate sexual assault, deviate sexual assault in the first degree, or the act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to the offenses listed above;

(5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty **in this state or any other jurisdiction**, or been found not guilty by reason of mental disease or defect pursuant to section 552.030, of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

632.483. NOTICE TO ATTORNEY GENERAL, WHEN — CONTENTS OF NOTICE — IMMUNITY FROM LIABILITY, WHEN — MULTIDISCIPLINARY TEAM ESTABLISHED — PROSECUTORS' REVIEW COMMITTEE ESTABLISHED. — 1. When it appears that a person may meet the criteria of a sexually violent predator, the agency with jurisdiction shall give written notice of such to the attorney general and the multidisciplinary team established in subsection 4 of this section. Written notice shall be given:

(1) Within three hundred sixty days prior to the anticipated release from a correctional center of the department of corrections of a person who has been convicted of a sexually violent offense, except that in the case of persons who are returned to prison for no more than one hundred eighty days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's readmission to prison;

(2) At any time prior to the release of a person who has been found not guilty by reason of mental disease or defect of a sexually violent offense; or

(3) At any time prior to the release of a person who was committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

2. The agency with jurisdiction shall provide the attorney general and the multidisciplinary team established in subsection 4 of this section with the following:

(1) The person's name, identifying factors, anticipated future residence and offense history;

(2) Documentation of institutional adjustment and any treatment received or refused, including the Missouri sexual offender program; and

(3) A determination by either a psychiatrist or a psychologist as defined in section 632.005 as to whether the person meets the definition of a sexually violent predator.

3. The agency with jurisdiction, its employees, officials, members of the multidisciplinary team established in subsection 4 of this section, members of the prosecutor's review committee appointed as provided in subsection 5 of this section and individuals contracting or appointed to perform services hereunder shall be immune from liability for any conduct performed in good faith and without gross negligence pursuant to the provisions of sections 632.480 to 632.513.

4. The director of the department of mental health and the director of the department of corrections shall establish a multidisciplinary team consisting of no more than seven members, at least one from the department of corrections and the department of mental health, and which may include individuals from other state agencies to review available records of each person referred to such team pursuant to subsection 1 of this section. The team, within thirty days of receiving notice, shall assess whether or not the person meets the definition of a sexually violent predator. The team shall notify the attorney general of its assessment.

5. The prosecutors coordinators training council established pursuant to section 56.760 shall appoint a five-member prosecutors' review committee composed of a cross section of county prosecutors from urban and rural counties. No more than three shall be from urban counties, and one member shall be the prosecuting attorney of the county in which the person was convicted or committed pursuant to chapter 552, **if the conviction was in this state**. The committee shall review the records of each person referred to the attorney general pursuant to subsection 1 of this section. The prosecutors' review committee shall make a determination of whether or not the person meets the definition of a sexually violent predator. The determination of the prosecutors' review committee or any member pursuant to this section or section 632.484 shall not be admissible evidence in any proceeding to prove whether or not the person is a sexually violent predator. The assessment of the multidisciplinary team shall be made available to the attorney general and the prosecutors' review committee.

632.484. DETENTION AND EVALUATION OF PERSONS ALLEGED TO BE SEXUALLY VIOLENT PREDATORS — DUTIES OF ATTORNEY GENERAL AND DEPARTMENT OF MENTAL HEALTH. — 1. When the attorney general receives written notice from any law enforcement agency that a person, who has pled guilty to or been convicted of a sexually violent offense and who is not presently in the physical custody of an agency with jurisdiction has committed a

recent overt act, the attorney general may file a petition for detention and evaluation with the probate division of the court in which the person was convicted, or committed pursuant to chapter 552, alleging the respondent may meet the definition of a sexually violent predator and should be detained for evaluation for a period of up to nine days. **If the person was convicted in another jurisdiction and the recent overt act was committed in this state, the attorney general may file the petition for detention and evaluation with the probate division of the court in the county of this state where the overt act was committed.** The written notice shall include the previous conviction record of the person, a description of the recent overt act, if applicable, and any other evidence which tends to show the person to be a sexually violent predator. The attorney general shall provide notice of the petition to the prosecuting attorney of the county where the petition was filed.

2. Upon a determination by the court that the person may meet the definition of a sexually violent predator, the court shall order the detention and transport of such person to a secure facility to be determined by the department of mental health. The attorney general shall immediately give written notice of such to the department of mental health.

3. Upon receiving physical custody of the person and written notice pursuant to subsection 2 of this section, the department of mental health shall, through either a psychiatrist or psychologist as defined in section 632.005, make a determination whether or not the person meets the definition of a sexually violent predator. The department of mental health shall, within seven days of receiving physical custody of the person, provide the attorney general with a written report of the results of its investigation and evaluation. The attorney general shall provide any available records of the person that are retained by the department of corrections to the department of mental health for the purposes of this section. If the department of mental health is unable to make a determination within seven days, the attorney general may request an additional detention of ninety-six hours from the court for good cause shown.

4. If the department determines that the person may meet the definition of a sexually violent predator, the attorney general shall provide the results of the investigation and evaluation to the prosecutors' review committee. The prosecutors' review committee shall, by majority vote, determine whether or not the person meets the definition of a sexually violent predator within twenty-four hours of written notice from the attorney general's office. If the prosecutors' review committee determines that the person meets the definition of a sexually violent predator, the prosecutors' review committee shall provide written notice to the attorney general of its determination. The attorney general may file a petition pursuant to section 632.486 within forty-eight hours after obtaining the results from the department.

5. For the purposes of this section "recent overt act" means any act that creates a reasonable apprehension of harm of a sexually violent nature.

650.120. GRANTS TO FUND INVESTIGATIONS OF INTERNET SEX CRIMES AGAINST CHILDREN — FUND CREATED — PANEL, MEMBERSHIP, TERMS — LOCAL MATCHING AMOUNTS — PRIORITIES — TRAINING STANDARDS — INFORMATION SHARING — PANEL RECOMMENDATION — POWER OF ARREST — SUNSET PROVISION. — 1. There is hereby created in the state treasury the "Cyber Crime Investigation Fund". The treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. [Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the cyber crime investigation fund.] The department of public safety shall be the administrator of the fund. Moneys in the fund shall be used solely for the administration of the grant program established under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department of public safety shall create a program to distribute grants to multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes against children, and other law enforcement agencies. The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section. Not more than three percent of the money in the fund may be used by the department to pay the administrative costs of the grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating Internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, provide funding for the training of law enforcement personnel and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. The funding for such training may be used to cover the travel expenses of those persons participating.

3. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

- (1) The director of the department of public safety, or his or her designee;
- (2) Two members [shall be] appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Police Chiefs Association;
- (3) Two members [shall be] appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Sheriffs' Association;
- (4) Two members of the state highway patrol [shall be] appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri State Troopers Association;
- (5) One member of the house of representatives [who shall be] appointed by the speaker of the house of representatives; and
- (6) One member of the senate [who shall be] appointed by the president pro tem.

The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall serve a four-year term ending four years from the date of expiration of the term for which his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Such members shall hold office for the term of his or her appointment and until a successor is appointed. The members of the panel shall receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of panel duties.

4. Local matching amounts, which may include new or existing funds or in-kind resources including but not limited to equipment or personnel, are required for multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel.

5. When awarding grants, priority should be given to newly hired detectives and computer forensic personnel.

6. The panel shall establish minimum training standards for detectives and computer forensic personnel participating in the grant program established in subsection 2 of this section.

7. Multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies participating in the grant program established in subsection 2 of this section shall share information and cooperate with the highway patrol and with existing Internet crimes against children task force programs.

8. The panel may make recommendations to the general assembly regarding the need for additional resources or appropriations.

9. The power of arrest of any peace officer who is duly authorized as a member of a multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the

scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multijurisdictional Internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall [sunset automatically six years after June 5, 2006] **be reauthorized on August 28, 2014 and shall expire on December 31, 2024**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

[550.040. STATE OR COUNTY TO PAY COSTS ON ACQUITTAL. — In all capital cases, and those in which imprisonment in the penitentiary is the sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state; and in all other trials on indictments or information, if the defendant is acquitted, the costs shall be paid by the county in which the indictment was found or information filed.]

[550.060. PROSECUTOR TO PAY COSTS, WHEN NO INDICTMENT FOUND. — In all cases where any person shall be committed or recognized to answer for a felony, and no indictment shall be found against such person, the prosecutor, or person on whose oath the prosecution was commenced, shall be liable for all the costs incurred in that behalf; and the court shall render judgment against such prosecutor for the same, and in no such case shall the state or county pay such costs.]

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this act shall become effective on January 15, 2015.

SECTION C. EMERGENCY CLAUSE. — Because of the necessity of constitutionally protected expedient access to the courts and ensuring the continued efficient administration of justice and because of the need to protect the interests of the state, the repeal and reenactment of sections 447.560, 447.584, 478.320, 478.437, 478.464, 478.513, and 478.600, and the enactment of section 447.534 and 478.740 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution and the repeal and reenactment of sections 447.560, 447.584, 478.320, 478.437, 478.464, 478.513, and 478.600, and the enactment of section 447.534 and 478.740 of this act shall be in full force and effect upon its passage and approval.

Approved July 8, 2014

SB 635 [SCS SB 635]

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

Prohibits issuance of certain incentives to business relocating from certain counties in Kansas if Kansas enacts a similar prohibition

AN ACT to amend chapter 135, RSMo, by adding thereto one new section relating to incentives for interstate business relocation.

SECTION

A. Enacting clause.
135.1670. Relocated jobs, eligibility for tax credits and financial incentives — director's duties — expiration date.

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

SECTION A. ENACTING CLAUSE. — Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.1670, to read as follows:

135.1670. RELOCATED JOBS, ELIGIBILITY FOR TAX CREDITS AND FINANCIAL INCENTIVES—DIRECTOR'S DUTIES—EXPIRATION DATE. — **1. As used in this section, the following terms mean:**

(1) "Kansas border county", Douglas, Johnson, Miami, or Wyandotte County in Kansas;

(2) "Missouri border county", any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, or any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants in Missouri.

2. If any job that qualifies for a tax credit under sections 100.700 to 100.850 or under sections 135.100 to 135.258, for funding under section 620.1023, or for a tax credit or retention of state withholding taxes under sections 620.2000 to 620.2020, relocates to a Missouri border county from a Kansas border county, no tax credits shall be issued, funding provided, or retention of withholding taxes authorized for such job under such sections.

3. If the director of the Missouri department of economic development determines that the state of Kansas has enacted legislation or the governor of Kansas issued an executive order or similar action which prohibits the Kansas Department of Commerce or any other Kansas executive department from providing economic incentives for jobs that are relocated from a Missouri border county to a Kansas border county, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of subsection 2 of this section shall be effective unless otherwise provided in this section. The provisions of subsection 2 of this section shall not apply to incentives reserved on behalf of and awarded to Missouri employers prior to the provisions of subsection 2 of this section taking effect.

4. If the director of the Missouri department of economic development determines that the Kansas Department of Commerce or any other Kansas executive department is providing economic incentives for jobs that relocate from a Missouri border county to a Kansas border county, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of subsection 2 of this section shall not be effective until such time as the director determines that the Kansas Department of Commerce, or any other Kansas executive department is not providing economic incentives for jobs that relocate from a Missouri border county to a Kansas border county, and the director has executed and delivered to the governor, the speaker of the house of representative, and the president pro tempore of the senate a written certification of such determination and the parties receiving such certification provide an unanimous written affirmation.

5. The director of the Missouri department of economic development shall notify the revisor of statutes of all changes in whether subsection 2 of this section is effective.

6. The provisions of this section shall expire August 28, 2016, unless at such time the provisions of subsection 2 of this section are in effect. If the provisions of this section do not expire on August 28, 2016, the provisions of this section shall expire on August 28, 2020.

Approved July 1, 2014

SB 639 [SCS SB 639]

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

Requires mammography facilities to provide to patients certain information regarding breast density

AN ACT to amend chapter 192, RSMo, by adding thereto one new section relating to mammography reports containing information regarding breast density.

SECTION

A. Enacting clause.

192.769. Notice to patients upon completion of a mammogram — effective date.

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

SECTION A. ENACTING CLAUSE. — Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.769, to read as follows:

192.769. NOTICE TO PATIENTS UPON COMPLETION OF A MAMMOGRAM — EFFECTIVE DATE. — **1. On completion of a mammogram, a mammography facility certified by the United States Food and Drug Administration (FDA) or by a certification agency approved by the FDA shall provide to the patient the following notice:**

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather

to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue. A report of your mammography results will be sent to you and your physician. You should contact your physician if you have any questions or concerns regarding this report."

2. Nothing in this section shall be construed to create a duty of care beyond the duty to provide notice as set forth in this section.

3. The information required by this section or evidence that a person violated this section is not admissible in a civil, judicial, or administrative proceeding.

4. A mammography facility is not required to comply with the requirements of this section until January 1, 2015.

Approved July 1, 2014

SB 642 [SCS SB 642]

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

Modifies provisions relating to proposed surface mining operations

AN ACT to repeal sections 260.273, 260.279, 260.355, 260.380, 260.392, 260.475, 444.510, 444.520, 444.762, 444.765, 444.770, 444.772, 444.773, 444.805, 640.015, 640.016, 640.100, 643.055, 643.079, 644.026, 644.051, 644.057, and 644.145, RSMo, and to enact in lieu thereof twenty-five new sections relating to natural resources.

SECTION

- A. Enacting clause.
- 260.273. Fee, sale of new tires, amount — collection, use of moneys — termination.
- 260.279. Preference and bonus points for contracts for the removal or clean up of waste tires, when.
- 260.355. Exempted wastes.
- 260.380. Duties of hazardous waste generators — fees to be collected, disposition — exemptions — expiration of fees.
- 260.392. Definitions — fees for transport of radioactive waste — deposit of moneys, use — notice of shipments — sunset date.
- 260.475. Fees to be paid by hazardous waste generators — exceptions — deposit of moneys — violations, penalty — deposit — fee requirement, expiration — fee structure review.
- 444.510. Definitions.
- 444.520. Commission, membership, qualifications, terms, compensation, powers — department director, limitation on.
- 444.762. Declaration of policy.
- 444.765. Definitions.
- 444.768. Fee, bond, or assessment structure, comprehensive review — proposal to be submitted, approval by commission — rulemaking requirements.
- 444.770. Permit required, when — release of certain bonds — complaints, requirements.
- 444.772. Permit — application, contents, fees — amendment, how made — successor operator, duties of — fees expire, when.
- 444.773. Director to investigate applications — decision to issue or deny — denial of permit, appeal, procedure — commission to make recommendation, issue decision.
- 444.805. Definitions.
- 640.015. Environmental conditions or standards, rules to cite specific law or authority relied upon — regulatory impact report required, contents, procedure, not required when — section not applicable, when.
- 640.016. Permit restrictions by department of natural resources prohibited in absence of statutory authority — permit issuance procedures — denial of permit, basis to be detailed — approval of permit not to be altered for one year, when.
- 640.100. Commission, duties, promulgate rules — political subdivisions may set certain additional standards — certain departments test water supply, when — fees, amount — federal compliance — customer fees, effective, when.
- 643.055. Commission may adopt rules for compliance with federal law — suspension, reinstatement — exemption, limitations — regulation of residential wood burning heaters or appliances prohibited legislative authorization.

- 643.079. Fees, amount — deposit of moneys, where, subaccount to be maintained — civil action for failure to remit fees, effect upon permit — agencies, determination of fees — fee structure revision.
- 644.026. Powers and duties of commission — rules, procedure.
- 644.051. Prohibited acts — permits required, when, fee — bond required of permit holders, when — permit application procedures — rulemaking — limitation on use of permit fee moneys — permit shield provisions.
- 644.057. Clean water fee structure review, requirements.
- 644.058. Water quality standards revised, when — evaluation to be conducted, when.
- 644.145. Affordability finding required, when — definitions — procedures to be adopted — appeal of determination — annual report, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 260.273, 260.279, 260.355, 260.380, 260.392, 260.475, 444.510, 444.520, 444.762, 444.765, 444.770, 444.772, 444.773, 444.805, 640.015, 640.016, 640.100, 643.055, 643.079, 644.026, 644.051, 644.057, and 644.145, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 260.273, 260.279, 260.355, 260.380, 260.392, 260.475, 444.510, 444.520, 444.762, 444.765, 444.768, 444.770, 444.772, 444.773, 444.805, 640.015, 640.016, 640.100, 643.055, 643.079, 644.026, 644.051, 644.057, 644.058, and 644.145, to read as follows:

260.273. FEE, SALE OF NEW TIRES, AMOUNT — COLLECTION, USE OF MONEYS — TERMINATION. — 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing environmental educational materials, programs, and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

5. Up to fifty percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to forty-five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental or public health emergencies and threats as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

- (1) Removal of [waste] **scrap** tires from illegal tire dumps;
- (2) Providing grants to persons that will use products derived from [waste] **scrap** tires, or [used waste] **use scrap** tires as a fuel or fuel supplement; and
- (3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate January 1, [2015] **2020**.

260.279. PREFERENCE AND BONUS POINTS FOR CONTRACTS FOR THE REMOVAL OR CLEAN UP OF WASTE TIRES, WHEN. — In letting contracts for the performance of any job or service for the removal or clean up of [waste] **scrap** tires under this chapter, the department of natural resources shall, in addition to the requirements of sections 34.073 and 34.076 and any other points awarded during the evaluation process, give to any vendor that meets one or more of the following factors a five percent preference and ten bonus points for each factor met:

(1) The bid is submitted by a vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the two years immediately preceding the date on which the bid is submitted;

(2) The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri continuously for the two years immediately preceding the date on which the bid is submitted;

(3) The bid is submitted by a vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(4) The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this section and submit a written claim for preference at the time the bid is submitted;

(5) The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product. For the purposes of this section, the landfilling of [waste] **scrap** tires, [waste] **scrap** tire chips, or [waste] **scrap** tire shreds in any manner, including landfill cover, shall not permit the vendor a preference.

260.355. EXEMPTED WASTES. — Exempted from the provisions of sections 260.350 to 260.480 are:

(1) Radioactive wastes regulated under section 2011, et seq., of title 42 of United States Code;

(2) Emissions to the air subject to regulation of and which are regulated by the Missouri air conservation commission pursuant to chapter 643;

(3) Discharges to the waters of this state pursuant to a permit issued by the Missouri clean water commission pursuant to chapter 204;

(4) Fluids injected or returned into subsurface formations in connection with oil or gas operations regulated by the Missouri oil and gas council pursuant to chapter 259;

(5) Mining wastes used in reclamation of mined lands pursuant to a permit issued by the Missouri [land reclamation] **mining** commission pursuant to chapter 444.

260.380. DUTIES OF HAZARDOUS WASTE GENERATORS — FEES TO BE COLLECTED, DISPOSITION — EXEMPTIONS — EXPIRATION OF FEES. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) (a) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year.

(b) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391.

(c) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

(d) **Notwithstanding any statutory fee amounts or maximums to the contrary**, the director of the department of natural resources may conduct a comprehensive review [of] **and propose changes to** the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall[, upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting, **but shall not vote on the fee structure until a subsequent meeting.** [The commission shall not take a vote on the fee structure until the following regular meeting.] If the commission approves, by vote of two-thirds majority **or five of seven commissioners**, the [hazardous waste] fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to** file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] **filing** of such regulation[, by concurrent resolution, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution.** If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, [the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection.] **the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by** this subsection shall expire on August 28, [2023] **2024.**

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted

pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, 2018, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

260.392. DEFINITIONS — FEES FOR TRANSPORT OF RADIOACTIVE WASTE — DEPOSIT OF MONEYS, USE — NOTICE OF SHIPMENTS — SUNSET DATE. — 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each truck transporting through or within the state high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All truck shipments of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state.

The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

(1) Inspections, escorts, and security for waste shipment and planning;

(2) Coordination of emergency response capability;

(3) Education and training of state, county, and local emergency responders;

(4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;

(5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

(6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;

(7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata

basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. [Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] The program authorized under this section shall automatically sunset [twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] **on August 28, 2024.**

260.475. FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS — EXCEPTIONS — DEPOSIT OF MONEYS — VIOLATIONS, PENALTY — DEPOSIT — FEE REQUIREMENT,

EXPIRATION — FEE STRUCTURE REVIEW. — 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

- (1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;
- (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
- (3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;
- (4) Cement kiln dust waste;
- (5) Waste oil; or
- (6) Hazardous waste that is:
 - (a) Reclaimed or reused for energy and materials;
 - (b) Transformed into new products which are not wastes;
 - (c) Destroyed or treated to render the hazardous waste nonhazardous; or
 - (d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, 2018, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

8. **Notwithstanding any statutory fee amounts or maximums to the contrary**, the director of the department of natural resources may conduct a comprehensive review [of] **and propose changes to** the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall[, upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or

special meeting, **but shall not vote on the fee structure until a subsequent meeting.** [The commission shall not take a vote on the fee structure until the following regular meeting.] If the commission approves, by vote of two-thirds majority **or five of seven commissioners,** the [hazardous waste] fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to** file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 7 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] **filing** of such regulation], by concurrent resolution, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution.** If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, [the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection.] **the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2023] 2024.**

444.510. DEFINITIONS. — As used in sections 444.500 to 444.755, unless the context clearly indicates otherwise, the following words and terms mean:

- (1) "Affected land", the pit area or area from which overburden has been removed, or upon which overburden has been deposited;
- (2) "Box cut", the first open cut in the mining of coal which results in the placing of overburden on the surface of the land adjacent to the initial pit and outside of the area of land to be mined;
- (3) "Commission", the [land reclamation] **Missouri mining** commission **within the department of natural resources** created by section 444.520;
- (4) "Company owned land", land owned by the operator in fee simple;
- (5) "Director", the **staff** director of the [land reclamation] **Missouri mining** commission;
- (6) "Gob", that portion of refuse consisting of waste coal or bony coal of relatively large size which is separated from the marketable coal in the cleaning process or solid refuse material, not readily waterborne or pumpable, without crushing;
- (7) "Highwall", that side of the pit adjacent to unmined land;
- (8) "Leased land", all affected land where the operator does not own the land in fee simple;
- (9) "Operator", any person, firm or corporation engaged in or controlling a strip mining operation;
- (10) "Overburden", as applied to the strip mining of coal, means all of the earth and other materials which lie above natural deposits of coal, and includes such earth and other materials disturbed from their natural state in the process of strip mining;
- (11) "Owner", the owner of any right in the land other than the operator;
- (12) "Peak", a projecting point of overburden created in the strip mining process or that portion of unmined land remaining within the pit;
- (13) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

- (14) "Pit", the place where coal is being or has been mined by strip mining;
- (15) "Refuse", all waste material directly connected with the cleaning and preparation of substances mined by strip mining;
- (16) "Ridge", a lengthened elevation of overburden created in the strip mining process;
- (17) "Strip mining", mining by removing the overburden lying above natural deposits of coal, and mining directly from the natural deposits thereby exposed, and includes mining of exposed natural deposits of coal over which no overburden lies; except that "strip mining" of coal shall only mean those activities exempted from the "Surface Coal Mining Law", pursuant to subsection 6 of section 444.815.

444.520. COMMISSION, MEMBERSHIP, QUALIFICATIONS, TERMS, COMPENSATION, POWERS — DEPARTMENT DIRECTOR, LIMITATION ON. — 1. There is a [land reclamation] **Missouri mining** commission whose domicile for administrative purposes is the department of natural resources. The commission shall consist of the following [seven] **eight** persons: The state geologist, the director of the department of conservation, the director of staff of the clean water commission, and [four] **five** other persons selected from the general public who are residents of Missouri and who shall have an interest in and knowledge of conservation and land reclamation, and one of whom shall in addition have training and experience in surface mining, **one of whom shall in addition have training and experience in subsurface mining**, but not more than [one] **two** can have a direct connection with the mining industry. The [four] **five** members from the general public shall be appointed by the governor, by and with the advice and consent of the senate. No more than [two] **three** of the appointed members shall belong to the same political party. The three members who serve on the commission by virtue of their office may designate a representative to attend any meetings in their place and exercise all their powers and duties. All necessary personnel required by the commission shall be selected, employed and discharged by the commission. The director of the department shall not have the authority to abolish positions.

2. The initial term of the appointed members shall be as follows: Two members, each from a different political party, shall be appointed for a term of two years, and two members, each from a different political party, shall be appointed for a term of four years. The governor shall designate the term of office for each person appointed when making the initial appointment. The terms of their successors shall be for four years. There is no limitation on the number of terms any appointed member may serve. The terms of all members shall continue until their successors have been duly appointed and qualified. If a vacancy occurs in the appointed membership, the governor shall appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause.

3. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties.

4. At the first meeting of the commission, which shall be called by the state geologist, and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman. The members of the commission shall appoint a qualified director who shall be a full-time employee of the commission and who shall act as its administrative agent. The commission shall determine the compensation of the director to be payable from appropriations made for that purpose.

444.762. DECLARATION OF POLICY. — It is hereby declared to be the policy of this state to strike a balance between [surface] mining of minerals and reclamation of land subjected to surface disturbance by [surface] mining, as contemporaneously as possible, and for the conservation of land, and thereby to preserve natural resources, to encourage the planting of forests, to advance the seeding of grasses and legumes for grazing purposes and crops for harvest, to aid in the protection of wildlife and aquatic resources, to establish recreational, home

and industrial sites, to protect and perpetuate the taxable value of property, and to protect and promote the health, safety and general welfare of the people of this state.

444.765. DEFINITIONS. — Wherever used or referred to in sections 444.760 to 444.790, unless a different meaning clearly appears from the context, the following terms mean:

(1) "Affected land", the pit area or area from which overburden shall have been removed, or upon which overburden has been deposited after September 28, 1971. When mining is conducted underground, affected land means any excavation or removal of overburden required to create access to mine openings, except that areas of disturbance encompassed by the actual underground openings for air shafts, portals, adits and haul roads in addition to disturbances within fifty feet of any openings for haul roads, portals or adits shall not be considered affected land. Sites which exceed the excluded areas by more than one acre for underground mining operations shall obtain a permit for the total extent of affected lands with no exclusions as required under sections 444.760 to 444.790;

(2) "Beneficiation", the dressing or processing of minerals for the purpose of regulating the size of the desired product, removing unwanted constituents, and improving the quality or purity of a desired product;

(3) "Commercial purpose", the purpose of extracting minerals for their value in sales to other persons or for incorporation into a product;

(4) "Commission", the [land reclamation] **Missouri mining** commission in the department of natural resources **created by section 444.520**;

(5) "Construction", construction, erection, alteration, maintenance, or repair of any facility including but not limited to any building, structure, highway, road, bridge, viaduct, water or sewer line, pipeline or utility line, and demolition, excavation, land clearance, and moving of minerals or fill dirt in connection therewith;

(6) "Department", the department of natural resources;

(7) "Director", the staff director of the [land reclamation] **Missouri mining** commission **or his or her designee**;

(8) "Excavation", any operation in which earth, minerals, or other material in or on the ground is moved, removed, or otherwise displaced for purposes of construction at the site of excavation, by means of any tools, equipment, or explosives and includes, but is not limited to, backfilling, grading, trenching, digging, ditching, drilling, well-drilling, auguring, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, demolition of structures, and the use of high-velocity air to disintegrate and suction to remove earth and other materials. For purposes of this section, excavation or removal of overburden for purposes of mining for a commercial purpose or for purposes of reclamation of land subjected to surface mining is not included in this definition. Neither shall excavations of sand and gravel by political subdivisions using their own personnel and equipment or private individuals for personal use be included in this definition;

(9) "Fill dirt", material removed from its natural location through mining or construction activity, which is a mixture of unconsolidated earthy material, which may include some minerals, and which is used to fill, raise, or level the surface of the ground at the site of disposition, which may be at the site it was removed or on other property, and which is not processed to extract mineral components of the mixture. Backfill material for use in completing reclamation is not included in this definition;

(10) "Land improvement", work performed by or for a public or private owner or lessor of real property for purposes of improving the suitability of the property for construction at an undetermined future date, where specific plans for construction do not currently exist;

(11) "Mineral", a constituent of the earth in a solid state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a chemical, an energy source, or raw material for manufacturing or construction material. For the purposes of this section, this definition includes barite, tar sands, [and] oil shales, **cadmium, barium,**

nickel, cobalt, molybdenum, germanium, gallium, tellurium, selenium, vanadium, indium, mercury, uranium, rare earth elements, platinum group elements, manganese, phosphorus, sodium, titanium, zirconium, lithium, thorium, or tungsten; but does not include iron, lead, zinc, gold, silver, coal, surface or subsurface water, fill dirt, natural oil or gas together with other chemicals recovered therewith;

(12) "Mining", the removal of overburden and extraction of underlying minerals or the extraction of minerals from exposed natural deposits for a commercial purpose, as defined by this section;

(13) "Operator", any person, firm or corporation engaged in and controlling a surface mining operation;

(14) "Overburden", all of the earth and other materials which lie above natural deposits of minerals; and also means such earth and other materials disturbed from their natural state in the process of surface mining other than what is defined in subdivision (10) of this section;

(15) "Peak", a projecting point of overburden created in the surface mining process;

(16) "Pit", the place where minerals are being or have been mined by surface mining;

(17) "Public entity", the state or any officer, official, authority, board, or commission of the state and any county, city, or other political subdivision of the state, or any institution supported in whole or in part by public funds;

(18) "Refuse", all waste material directly connected with the cleaning and preparation of substance mined by surface mining;

(19) "Ridge", a lengthened elevation of overburden created in the surface mining process;

(20) "Site" or "mining site", any location or group of associated locations separated by a natural barrier where minerals are being surface mined by the same operator;

(21) "Surface mining", the mining of minerals for commercial purposes by removing the overburden lying above natural deposits thereof, and mining directly from the natural deposits thereby exposed, and shall include mining of exposed natural deposits of such minerals over which no overburden lies and, after August 28, 1990, the surface effects of underground mining operations for such minerals. For purposes of the provisions of sections 444.760 to 444.790, surface mining shall not include excavations to move minerals or fill dirt within the confines of the real property where excavation occurs or to remove minerals or fill dirt from the real property in preparation for construction at the site of excavation. No excavation of fill dirt shall be deemed surface mining regardless of the site of disposition or whether construction occurs at the site of excavation.

444.768. FEE, BOND, OR ASSESSMENT STRUCTURE, COMPREHENSIVE REVIEW — PROPOSAL TO BE SUBMITTED, APPROVAL BY COMMISSION — RULEMAKING REQUIREMENTS. — 1. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee, bond, or assessment structure as set forth in chapter 444. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from regulated entities and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee, bond, or assessment structure with stakeholder agreement to the Missouri mining commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the proposed structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority, the fee, bond, or assessment structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take

effect on January first of the following calendar year, at which point the existing fee, bond, or assessment structure shall expire. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee, bond, or assessment structure and shall continue to use the previous fee, bond, or assessment structure. The authority for the commission to further revise the fee, bond, or assessment structure as provided in this subsection shall expire on August 28, 2024.

2. Failure to pay any fee, bond, or assessment, or any portion thereof, referenced in this section by the due date may result in the imposition of a late fee equal to fifteen percent of the unpaid amount, plus ten percent interest per annum. Any order issued by the department under chapter 444 may require payment of such amounts. The department may bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of the county in which the facility is located, or in the circuit court of Cole County.

444.770. PERMIT REQUIRED, WHEN — RELEASE OF CERTAIN BONDS — COMPLAINTS, REQUIREMENTS. — 1. It shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, except as provided in subsection 2 of this section.

2. (1) A property owner or operator conducting gravel removal at the request of a property owner for the primary purpose of managing seasonal gravel accretion on property not used primarily for gravel mining, or a political subdivision who contracts with an operator for excavation to obtain sand and gravel material solely for the use of such political subdivision shall be exempt from obtaining a permit as required in subsection 1 of this section. Such gravel removal shall be conducted solely on the property owner's or political subdivision's property and shall be in accordance with department guidelines, rules, and regulations. The property owner shall notify the department before any person or operator conducts gravel removal from the property owner's property if the gravel is sold. Notification shall include the nature of the activity, name of the county and stream in which the site is located and the property owner's name. The property owner shall not be required to notify the department regarding any gravel removal at each site location for up to one year from the original notification regarding that site. The property owner shall renotify the department before any person or operator conducts gravel removal at any site after the expiration of one year from the previous notification regarding that site. At the time of each notification to the department, the department shall provide the property owner with a copy of the department's guidelines, rules, and regulations relevant to the activity reported. Said guidelines, rules and regulations may be transmitted either by mail or via the internet.

(2) The annual tonnage of gravel mined by such property owner or operator conducting gravel removal at the request of a property owner shall be less than two thousand tons, with a site limitation of one thousand tons annually. Any operator conducting gravel removal at the request of a property owner that has removed two thousand tons of sand and gravel material within one calendar year shall have a watershed management practice plan approved by the commission in order to remove any future sand or gravel material the remainder of the calendar year. The application for approval shall be accompanied by an application fee equivalent to the fee paid under section 444.772 and shall contain the name of the watershed from which the

operator will be conducting sand and gravel removal, the location within the watershed district that the sand and gravel will be removed, and the description of the vehicles and equipment used for removal. Upon approval of the watershed management practice plan, the department shall provide a copy of the relevant commission regulations to the operator.

(3) No property owner or operator conducting gravel removal at the request of a property owner for the primary purpose of managing seasonal gravel accretion on property not used primarily for gravel mining shall conduct gravel removal from any site located within a distance, to be determined by the commission and included in the guidelines, rules, and regulations given to the property owner at the time of notification, of any building, structure, highway, road, bridge, viaduct, water or sewer line, and pipeline or utility line.

3. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to 444.790 shall be August 28, 1990.

4. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to 444.790, except that such operations shall be registered with the [land reclamation] **Missouri mining** commission.

5. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245 and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable to such operations shall be promptly released by the commission, and the associated permits cancelled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit pursuant to section 260.205 and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, and the regulations promulgated thereunder, pertaining to closure and postclosure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are defined in chapter 260.

6. Notwithstanding the provisions of subsection 1 of this section, any political subdivision which uses its own personnel and equipment or any private individual for personal use may conduct in-stream gravel operations without obtaining from the commission a permit to conduct such an activity.

7. Any person filing a complaint of an alleged violation of this section with the department shall identify themselves by name and telephone number, provide the date and location of the violation, and provide adequate information, as determined by the department, that there has been a violation.

Any records, statements, or communications submitted by any person to the department relevant to the complaint shall remain confidential and used solely by the department to investigate such alleged violation.

444.772. PERMIT — APPLICATION, CONTENTS, FEES — AMENDMENT, HOW MADE — SUCCESSOR OPERATOR, DUTIES OF — FEES EXPIRE, WHEN. — 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

- (1) The name of all persons with any interest in the land to be mined;
- (2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;
(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit

renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners [of contiguous real property or real property located adjacent to the proposed mine plan area] **whose property is:**

(1) Within two thousand six hundred forty feet, or one-half mile from the border of the proposed mine plan area; and

(2) Adjacent to the proposed mine plan area, land upon which the mine plan area is located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located.

The notice shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the [commission] **director** may consider in issuing a permit may request a public meeting[, a public hearing] or file written comments to the director no later than fifteen days following the final public notice publication date. **If any person requests a public meeting, the applicant shall cooperate with the director in making all necessary arrangements for the public meeting to be held in a reasonably convenient location and at a reasonable time for interested participants, and the applicant shall bear the expenses.**

11. The [commission] **director** may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to

444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, 2018. No other provisions of this section shall expire.

444.773. DIRECTOR TO INVESTIGATE APPLICATIONS — DECISION TO ISSUE OR DENY — DENIAL OF PERMIT, APPEAL, PROCEDURE — COMMISSION TO MAKE RECOMMENDATION, ISSUE DECISION. — 1. All applications for a permit shall be filed with the director, who shall promptly investigate the application and make a [recommendation to the commission] **decision** within [four] **six** weeks after **completion of the [public notice period] process** provided in **subsection 10 of section 444.772** [expires as to whether] **to issue or deny** the permit [should be issued or denied]. If the director determines that the application has not fully complied with the provisions of section 444.772 or any rule or regulation promulgated pursuant to that section, the director [shall recommend denial of] **may seek additional information from the applicant before making a decision to issue or deny** the permit. The director shall consider any [written] **public** comments when making [his or her recommendation to the commission on the issuance or denial of] **the decision to issue or deny** the permit. **In issuing a permit, the director may impose reasonable conditions consistent with the provisions of sections 444.760 to 444.790.**

2. [If the recommendation of the director is to deny the permit, a hearing as provided in sections 444.760 to 444.790, if requested by the applicant within fifteen days of the date of notice of recommendation of the director, shall be held by the commission.

3. If the recommendation of the director is for issuance of the permit, the director shall issue the permit without a public meeting or a hearing except that upon petition, received prior to the date of the notice of recommendation, from any person whose health, safety or livelihood will be unduly impaired by the issuance of this permit, a public meeting or a hearing may be held. If a public meeting is requested pursuant to this chapter and the applicant agrees, the director shall, within thirty days after the time for such request has passed, order that a public meeting be held. The meeting shall be held in a reasonably convenient location for all interested parties. The applicant shall cooperate with the director in making all necessary arrangements for the public meeting. Within thirty days after the close of the public meeting, the director shall recommend to the commission approval or denial of the permit. If the public meeting does not resolve the concerns expressed by the public, any person whose health, safety or livelihood will be unduly impaired by the issuance of such permit may make a written request to the land reclamation commission for a formal public hearing. The land reclamation commission may grant a public hearing to formally resolve concerns of the public. Any public hearing before the commission shall address one or more of the factors set forth in this section.] **The director's decision shall be deemed to be the decision of the director of the department of natural resources and shall be subject to appeal to the administrative hearing commission as provided by sections 640.013 and 621.250.**

[4. In any public hearing, if] **3. For purposes of an appeal, the administrative hearing** commission [finds] **may consider**, based on competent and substantial scientific evidence on the record, [that] **whether** an interested party's health, safety or livelihood will be unduly impaired by the issuance of the permit[, the commission may deny such permit]. [If] **The administrative hearing** commission [finds] **may also consider**, based on competent and substantial scientific evidence on the record, [that] **whether** the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance[, the commission may deny such permit]. In determining whether a reasonable likelihood of noncompliance will exist in the future, the **administrative hearing**

commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner or the **administrative hearing** commission demonstrates either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the **administrative hearing** commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. [Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in chapter 536. No judicial review shall be available, however, until and unless all administrative remedies are exhausted.] **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall make a recommendation to the commission on permit issuance or denial.**

4. The commission shall issue its own decision, based on the appeal, for permit issuance or denial. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

444.805. DEFINITIONS. — As used in this law, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Approximate original contour", that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the commission determines that they are in compliance with subdivision (8) of subsection 2 of section 444.855;

(2) "Coal preparation area", that portion of the permitted area used for the beneficiation of raw coal and structures related to the beneficiation process such as the washer, tippie, crusher, slurry pond or ponds, gob pile and all waste material directly connected with the cleaning, preparation and shipping of coal, but does not include subsurface coal waste disposal areas;

(3) "Coal preparation area reclamation", the reclamation of the coal preparation area by disposal or burial or both of coal waste according to the approved reclamation plan, the replacement of topsoil, and initial seeding;

(4) "Commission", the [land reclamation] **Missouri mining** commission created by section 444.520;

(5) "Director", the **staff** director of the [land reclamation] **Missouri mining** commission;

(6) "Federal lands", any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(7) "Federal lands program", a program established by the United States Secretary of the Interior to regulate surface coal mining and reclamation operations on federal lands;

(8) "Imminent danger to the health and safety of the public", the existence of any condition or practice, or any violation of a permit or other requirement of this law in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement;

(9) "Operator", any person engaged in coal mining;

(10) "Permit", a permit to conduct surface coal mining and reclamation operations issued by the commission;

(11) "Permit area", the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond and shall be readily identifiable by appropriate markers on the site;

(12) "Permittee", a person holding a permit;

(13) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(14) "Phase I reclamation", the filling and grading of all areas disturbed in the conduct of surface coal mining operations, including the replacement of top soil and initial seeding;

(15) "Phase I reclamation bond", a bond for performance filed by a permittee pursuant to section 444.950 that may have no less than eighty percent released upon the successful completion of phase I reclamation of a permit area in accordance with the approved reclamation plan, with the rest of the bond remaining in effect until phase III liability is released;

(16) "Prime farmland", land which historically has been used for intensive agricultural purposes, and which meets the technical criteria established by the commission on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics;

(17) "Reclamation plan", a plan submitted by an applicant for a permit which sets forth a plan for reclamation of the proposed surface coal mining operations;

(18) "Surface coal mining and reclamation operations", surface coal mining operations and all activities necessary and incident to the reclamation of such operations;

(19) "Surface coal mining operations", or "affected land", or "disturbed land":

(a) Activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; provided, however, that such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percentum of the tonnage of minerals removed for purposes of commercial use or sale, or coal explorations subject to section 444.845; and

(b) The areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of

existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(20) "This law" or "law", sections 444.800 to 444.970;

(21) "Unwarranted failure to comply", the failure of a permittee to prevent the occurrence of any violation of the permit, reclamation plan, law or rule and regulation, due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any such violation due to indifference, lack of diligence, or lack of reasonable care.

640.015. ENVIRONMENTAL CONDITIONS OR STANDARDS, RULES TO CITE SPECIFIC LAW OR AUTHORITY RELIED UPON — REGULATORY IMPACT REPORT REQUIRED, CONTENTS, PROCEDURE, NOT REQUIRED WHEN — SECTION NOT APPLICABLE, WHEN. — 1. All provisions of the law to the contrary notwithstanding, all rules that prescribe environmental conditions or standards promulgated by the department of natural resources, a board or a commission, pursuant to authorities granted in this chapter and chapters 260, 278, 319, 444, 643, and 644, the hazardous waste management commission in chapter 260, the state soil and water districts commission in chapter 278, the [land reclamation] **Missouri mining** commission in chapter 444, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, and the clean water commission in chapter 644 shall cite the specific section of law or legal authority. The rule shall also be based on the regulatory impact report provided in this section.

2. The regulatory impact report required by this section shall include:

(1) A report on the peer-reviewed scientific data used to commence the rulemaking process;

(2) A description of persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule;

(3) A description of the environmental and economic costs and benefits of the proposed rule;

(4) The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue;

(5) A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits;

(6) A determination of whether there are less costly or less intrusive methods for achieving the proposed rule;

(7) A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule;

(8) An analysis of both short-term and long-term consequences of the proposed rule;

(9) An explanation of the risks to human health, public welfare, or the environment addressed by the proposed rule;

(10) The identification of the sources of scientific information used in evaluating the risk and a summary of such information;

(11) A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate;

(12) A description of any significant countervailing risks that may be caused by the proposed rule; and

(13) The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare, or environmental outcomes.

3. The department, board, or commission shall develop the regulatory impact report required by this section using peer-reviewed and published data or when the peer-reviewed data is not reasonably available, a written explanation shall be filed at the time of the rule promulgation notice explaining why the peer-reviewed data was not available to support the regulation. If the peer-reviewed data is not available, the department must provide all scientific references and the types, amount, and sources of scientific information that was used to develop the rule at the time of the rule promulgation notice.

4. The department, board, or commission shall publish in at least one newspaper of general circulation, qualified pursuant to chapter 493, with an average circulation of twenty thousand or more and on the department, board, or commission website a notice of availability of any regulatory impact report conducted pursuant to this section and shall make such assessments and analyses available to the public by posting them on the department, board, or commission website. The department, board, or commission shall allow at least sixty days for the public to submit comments and shall post all comments and respond to all significant comments prior to promulgating the rule.

5. The department, board, or commission shall file a copy of the regulatory impact report with the joint committee on administrative rules concurrently with the filing of the proposed rule pursuant to section 536.024.

6. If the department, board, or commission fails to conduct the regulatory impact report as required for each proposed rule pursuant to this section, such rule shall be void unless the written explanation delineating why the peer-reviewed data was not available has been filed at the time of the rule promulgation notice.

7. Any other provision of this section to the contrary notwithstanding, the department, board, or commission referenced in subsection 1 of this section may adopt a rule without conducting a regulatory impact report if the director of the department determines that immediate action is necessary to protect human health, public welfare, or the environment; provided, however, in doing so, the department, board, or commission shall be required to provide written justification as to why it deviated from conducting a regulatory impact report and shall complete the regulatory impact report within one hundred eighty days of the adoption of the rule.

8. The provisions of this section shall not apply if the department adopts environmental protection agency rules and rules from other applicable federal agencies without variance.

640.016. PERMIT RESTRICTIONS BY DEPARTMENT OF NATURAL RESOURCES PROHIBITED IN ABSENCE OF STATUTORY AUTHORITY—PERMIT ISSUANCE PROCEDURES—DENIAL OF PERMIT, BASIS TO BE DETAILED—APPROVAL OF PERMIT NOT TO BE ALTERED FOR ONE YEAR, WHEN. — 1. The department of natural resources shall not place in any permit any requirement, provision, stipulation, or any other restriction which is not prescribed or authorized by regulation or statute, unless the requirement, provision, stipulation, or other restriction is pursuant to the authority addressed in statute.

2. Prior to submitting a permit to public comment the department of natural resources shall deliver such permit to the permit applicant at the contact address on the permit application for final review. In the interest of expediting permit issuance, permit applicants may waive the opportunity to review draft permits prior to public notice. The permit applicant shall have ten days to review the permit for errors. Upon receipt of the applicant's review of the permit, the department of natural resources shall correct the permit where nonsubstantive drafting errors exist. The department of natural resources shall make such changes within ten days and submit the permit for public comment. If the permit applicant is not provided the opportunity to review permits prior to submission for public comment, the permit applicant shall have the authority to correct drafting errors in their permits after they are issued without paying any fee for such changes or modifications.

3. In any matter where a permit is denied by the department of natural resources pursuant to authorities granted in this chapter and chapters 260, 278, 319, 444, 643, and 644, the

hazardous waste management commission in chapter 260, the state soil and water districts commission in chapter 278, the [land reclamation] **Missouri mining** commission in chapter 444, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, and the clean water commission in chapter 644, such denial shall clearly state the basis for such denial.

4. Once a permit or action has been approved by the department, the department shall not revoke or change, without written permission from the permittee, the decision for a period of one year or unless the department determines that immediate action is necessary to protect human health, public welfare, or the environment.

640.100. COMMISSION, DUTIES, PROMULGATE RULES — POLITICAL SUBDIVISIONS MAY SET CERTAIN ADDITIONAL STANDARDS — CERTAIN DEPARTMENTS TEST WATER SUPPLY, WHEN — FEES, AMOUNT — FEDERAL COMPLIANCE — CUSTOMER FEES, EFFECTIVE, EXPIRES, WHEN. — 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to section 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644 shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any

supplier, make any analyses or tests required pursuant to the terms of section 192.320 and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320 and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. [The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Reductions shall be roughly proportional but in each case shall be divisible by twelve.] Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections.	\$ 3.24
1,001 to 4,000 connections.	3.00
4,001 to 7,000 connections.	2.76
7,001 to 10,000 connections.	2.40
10,001 to 20,000 connections.	2.16
20,001 to 35,000 connections.	1.92
35,001 to 50,000 connections.	1.56
50,001 to 100,000 connections.	1.32
More than 100,000 connections.	1.08.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size shall not exceed eighty-two dollars and forty-four cents.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 2006, and shall be collected by the public water system serving the customer beginning September 1, 2006, and continuing until such time that the safe drinking water commission, at its discretion, specifies a [lower] **different** amount under [subdivision (1) of] subsection [5] **8** of this section. The commission shall promulgate rules and regulations on the procedures for

billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section **and fees established by the commission pursuant to subsection 8 of this section** are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

7. Imposition and collection of the fees authorized in subsection 5 **and fees established by the commission pursuant to subsection 8** of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

8. [Fees imposed pursuant to subsection 5 of this section shall expire on September 1, 2017.] **Notwithstanding any statutory fee amounts or maximums to the contrary, the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from public and private water suppliers, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the safe drinking water commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or six of nine commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee structure shall expire. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly within the first sixty calendar days of the regular session immediately following the filing of such regulation, disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, 2024.**

643.055. COMMISSION MAY ADOPT RULES FOR COMPLIANCE WITH FEDERAL LAW — SUSPENSION, REINSTATEMENT — EXEMPTION, LIMITATIONS — REGULATION OF RESIDENTIAL WOOD BURNING HEATERS OR APPLIANCES PROHIBITED LEGISLATIVE AUTHORIZATION. — 1. Other provisions of law notwithstanding, the Missouri air conservation commission shall have the authority to promulgate rules and regulations, pursuant to chapter 536, to establish standards and guidelines to ensure that the state of Missouri is in compliance with the provisions of the federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.). The standards and guidelines so established shall not be any stricter than those required under the provisions of the federal Clean Air Act, as amended; nor shall those standards and guidelines be enforced in any area of the state prior to the time required by the federal Clean Air Act, as amended. The restrictions of this section shall not apply to the parts of a state

implementation plan developed by the commission to bring a nonattainment area into compliance and to maintain compliance when needed to have a United States Environmental Protection Agency approved state implementation plan. The determination of which parts of a state implementation plan are not subject to the restrictions of this section shall be based upon specific findings of fact by the air conservation commission as to the rules, regulations and criteria that are needed to have a United States Environmental Protection Agency approved plan.

2. The Missouri air conservation commission shall also have the authority to grant exceptions and variances from the rules set under subsection 1 of this section when the person applying for the exception or variance can show that compliance with such rules:

- (1) Would cause economic hardship; or
- (2) Is physically impossible; or
- (3) Is more detrimental to the environment than the variance would be; or
- (4) Is impractical or of insignificant value under the existing conditions.

3. The department shall not regulate the manufacture, performance, or use of residential wood burning heaters or appliances through a state implementation plan or otherwise, unless first specifically authorized to do so by the general assembly. No rule or regulation respecting the establishment or the enforcement of performance standards for residential wood burning heaters or appliances shall become effective unless and until first approved by the joint committee on administrative rules.

4. New rules or regulations shall not be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014 shall be not subject to any rules or regulations enacted after such date. No employee of the state or state agency shall enforce any new rules or regulations against such existing wood burning furnaces, stoves, fireplaces, and heaters.

643.079. FEES, AMOUNT — DEPOSIT OF MONEYS, WHERE, SUBACCOUNT TO BE MAINTAINED — CIVIL ACTION FOR FAILURE TO REMIT FEES, EFFECT UPON PERMIT — AGENCIES, DETERMINATION OF FEES — FEE STRUCTURE REVISION. — 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

- (1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;
- (2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 and this subsection and shall not be applied retroactively.

5. Moneys collected under this section shall be transmitted to the director of revenue for deposit in appropriate subaccounts of the natural resources protection fund created in section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq., and used, upon appropriation, to fund activities by the department to implement the operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air contaminant sources which are not required to be permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to fund other air pollution control program activities. Another subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase I affected units which are subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation, to fund air pollution control program activities. The provisions of section 33.080 to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted annually, consistent with the need to fund the reasonable costs of the program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994, and shall be based upon the general price level for the twelve-month period ending on August thirty-first of the previous calendar year.

6. The department may initiate a civil action in circuit court against any air contaminant source which has not remitted the appropriate fees within thirty days. In any judgment against the source, the department shall be awarded interest at a rate determined pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded reasonable attorney's fees.

7. The department shall not suspend or revoke a permit for an air contaminant source solely because the source has not submitted the fees pursuant to this section.

8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning April

1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase I affected generating unit to help fund the administration of sections 643.010 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following public hearing, based on an annual allocation prepared by the department showing the details of all costs and expenses upon which such fees are based consistent with the department's reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its responsibilities with respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located on one or more contiguous tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.

9. The department of natural resources shall determine the fees due pursuant to this section by the state of Missouri and its departments, agencies and institutions, including two- and four-year institutions of higher education. The director of the department of natural resources shall forward the various totals due to the joint committee on capital improvements and the directors of the individual departments, agencies and institutions. The departments, as part of the budget process, shall annually request by specific line item appropriation funds to pay said fees and capital funding for projects determined to significantly improve air quality. If the general assembly fails to appropriate funds for emissions fees as specifically requested, the departments, agencies and institutions shall pay said fees from other sources of revenue or funds available. The state of Missouri and its departments, agencies and institutions may receive assistance from the small business technical assistance program established pursuant to section 643.173.

10. **Notwithstanding any statutory fee amounts or maximums to the contrary,** the [director of the] department of natural resources may conduct a comprehensive review [of] **and propose changes to** the fee structure [set forth in this section]. The comprehensive review shall include] **authorized by sections 643.073, 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and 643.242 after holding** stakeholder meetings in order to solicit stakeholder input from each of the following groups: **the asbestos industry,** electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties. [Upon completion of the comprehensive review,] The department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the air conservation commission. The commission shall], upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting, **but shall not vote on the fee structure until a subsequent meeting.** [The commission shall review fee structure recommendations from the department. The commission shall not take a vote on the fee structure recommendations until the following regular or special meeting.] If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to** file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the **previous** fee structure [set out in this section] shall expire upon the effective date of the commission-adopted fee structure. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular

session immediately following the [promulgation] **filing** of such regulation, by concurrent resolution[, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution**. If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, the [air conservation] commission shall continue to use the **previous** fee structure [set forth in the most recent preceding regulation promulgated under this subsection]. **The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2023] 2024.**

644.026. POWERS AND DUTIES OF COMMISSION — RULES, PROCEDURE. — 1. The commission shall:

(1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;

(2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;

(3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;

(4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;

(5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties pursuant to sections 644.006 to 644.141;

(6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible pursuant to any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution. In addition to opportunities to submit written statements or provide testimony at public hearings in support of or in opposition to proposed rulemakings as required by section 536.021, any person who submits written comments or oral testimony on a proposed rule shall, at any public meeting to vote on an order of rulemaking or other commission policy, have the opportunity to respond to the proposed order of rulemaking or department of natural resources' response to comments to the extent that such response is limited to issues raised in oral or written comments made during the public notice comment period or public hearing on the proposed rule;

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;

(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;

(16) Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

(17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water quality-related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

(18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;

(19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

(20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

(21) Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued pursuant to sections 644.006 to 644.141, any condition which the commission or director has probable cause to believe to be a

water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued pursuant to sections 644.006 to 644.141. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection pursuant to this subdivision, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him or her to make such inspection. Information obtained pursuant to this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required pursuant to any federal water pollution control act;

(22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

(23) Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision of the state or the federal government;

(24) Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the director, and to make them public, except as provided in subdivision (21) of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program pursuant to any federal water pollution control act;

(25) Take any action necessary to implement continuing planning processes and areawide waste treatment management as established pursuant to any federal water pollution control act or sections 644.006 to 644.141;

(26) Exercise general supervision of the department as the sole designated state agency with authority to administer the federal Clean Water Act in the state of Missouri, which shall include authority to approve any stream or wetland mitigation used in connection with any section 401 water quality certification.

2. No rule or portion of a rule promulgated pursuant to this chapter shall become effective unless it has been promulgated pursuant to chapter 536.

644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — BOND REQUIRED OF PERMIT HOLDERS, WHEN — PERMIT APPLICATION PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS — PERMIT SHIELD PROVISIONS. — 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit

provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds an operating permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no operating permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

(2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;

(3) All sewer collection projects that are authorized through a local supervised program; and

(4) Any other exclusions the commission may promulgate by rule.

[However, nothing shall prevent the department from taking action to assure protection of the environment and human health.] A construction permit may be required [where necessary as determined by the department, including] **by the department in the following circumstances:**

(a) Substantial deviation from the commission's design standards;

(b) To [correct] **address** noncompliance;

(c) When an unauthorized discharge has occurred or has the potential to occur; or

(d) To correct a violation of water quality standards.

In addition, any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of this subsection. All other construction-related activities at point sources shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

a. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;

b. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and

c. Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete.

A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

4. Before issuing any permit required by this section, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility

from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and

536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general

permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.057. CLEAN WATER FEE STRUCTURE REVIEW, REQUIREMENTS. — **Notwithstanding any statutory fee amounts or maximums to the contrary,** the director of the department of natural resources may conduct a comprehensive review [of] **and propose changes to** the clean water fee structure set forth in sections 644.052 [and], 644.053, **and 644.061.** The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the clean water commission. The commission shall], upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting [under subsection 3 of section 644.021], **but shall not vote on the fee structure until a subsequent meeting.** [The commission shall not take a vote on the clean water fee structure recommendations until the following regular or special meeting.] In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the [clean water] fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended clean water fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to** file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the fee structures set forth in sections 644.052 [and], 644.053, **and 644.061** shall expire upon the effective date of the commission-adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] **filing** of such regulation], by concurrent

resolution, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution.** If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, the [clean water commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection.] **department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure.** The authority of the commission to further revise the fee structure provided by this section shall expire on August 28, [2023] **2024.**

644.058. WATER QUALITY STANDARDS REVISED, WHEN — EVALUATION TO BE CONDUCTED, WHEN. — Notwithstanding the provisions of section 644.026 to the contrary, in promulgating water quality standards, the commission shall only revise water quality standards upon the completion of an assessment by the department finding that there is an environmental need for such revision. As part of the implementation of any revised water quality standards modifications of twenty-five percent or more, the department shall conduct an evaluation which shall include the environmental and economic impacts of the revised water quality standards on a subbasin basis. This evaluation shall be conducted at the eight-digit hydrologic unit code level. The department shall document these evaluations and use them in making individual site-specific permit decisions.

644.145. AFFORDABILITY FINDING REQUIRED, WHEN — DEFINITIONS — PROCEDURES TO BE ADOPTED — APPEAL OF DETERMINATION — ANNUAL REPORT, CONTENTS. — 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or treatment works, the department of natural resources shall make a finding of affordability **on the costs to be incurred and the impact of any rate changes on ratepayers** upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

- (a) Issuing collection system extension permits;
- (b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or
- (c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household **with an income equal to the lower of the median household income for their community or the state of Missouri** can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) **"Finding of affordability", a department statement as to whether an individual or a household receiving as income an amount equal to the lower of the median household income for the applicant community or the state of Missouri would be required to make unreasonable sacrifices in their essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.**

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

(1) A community's financial capability and ability to raise or secure necessary funding;
(2) Affordability of pollution control options for the individuals or households **at or below the median household income level** of the community;
(3) An evaluation of the overall costs and environmental benefits of the control technologies;

(4) **Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;**

(5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

(a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

(b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

[(5)] (6) An assessment of other community investments **and operating costs** relating to environmental improvements **and public health protection**;

[(6)] (7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

[(7)] (8) An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

(1) The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;

(2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;

(3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;

(4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:

(a) Current and projected monthly residential sewer rates in dollars;

(b) Projected monthly residential sewer rates as a percentage of median house income;

(c) Percentage of households at or below the state poverty rate.

Approved July 7, 2014

SB 643 [HCS SCS SB 643]

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

Modifies provisions regarding the publishing of the Missouri statutes by the Revisor of Statutes

AN ACT to repeal sections 3.010, 3.066, and 3.090, RSMo, and to enact in lieu thereof three new sections relating to the publishing of Missouri statutes.

SECTION

A. Enacting clause.

3.010. Revised statutes to be published, when — costs.

3.066. Statutes declared unconstitutional on procedural grounds, duties of the revisor — statute enjoined, revisor's duty to publish footnote.

3.090. Comparison of printed statutes with original rolls — certification — evidence of laws — publication on website.

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

SECTION A. ENACTING CLAUSE. — Sections 3.010, 3.066, and 3.090, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 3.010, 3.066, and 3.090, to read as follows:

3.010. REVISED STATUTES TO BE PUBLISHED, WHEN — COSTS. — [As soon as possible after the final adjournment of the seventieth general assembly and at least every ten years

thereafter] **Only upon the adoption of a concurrent resolution by the general assembly**, the revised statutes of Missouri shall be printed, published and distributed in as many volumes as the committee on legislative research (herein called "the committee") shall determine, and such publication shall be under the direction and supervision of the committee. The annotations or supplements may be printed separately **and without a concurrent resolution being adopted by the general assembly**. The cost of printing, binding and delivery of such publication shall be paid from funds appropriated from the general revenue for that purpose.

3.066. STATUTES DECLARED UNCONSTITUTIONAL ON PROCEDURAL GROUNDS, DUTIES OF THE REVISOR — STATUTE ENJOINED, REVISOR'S DUTY TO PUBLISH FOOTNOTE. — 1. When the Missouri supreme court or a federal court with competent jurisdiction makes a final ruling that a bill enacted by the Missouri general assembly or a Missouri state statute or any portion of a Missouri state statute contained in a bill enacted by the Missouri general assembly is unconstitutional on procedural grounds, the Missouri revisor of statutes shall:

(1) For a repealed statute or an amended statute contained in such bill, reprint the statute as it existed in the revised statutes of Missouri prior to the enactment of the bill that the court declared unconstitutional;

(2) For a new statute contained in such bill, remove the new statute from the revised statutes of Missouri, if necessary, and publish only a footnote calling attention to the ruling of the court explaining the reason for the removal of such statute from the revised statutes of Missouri.

2. When a state or federal court with competent jurisdiction issues a permanent order enjoining a bill enacted by the Missouri general assembly or a Missouri state statute or any portion of a Missouri state statute contained in a bill enacted by the Missouri general assembly as unconstitutional on procedural grounds, the Missouri attorney general shall notify the Missouri revisor of statutes of any such order and the Missouri revisor of statutes shall publish a footnote to each affected section calling attention to the ruling of the court on any official website of the committee on legislative research. Such footnote shall remain until such time as a final ruling is made by the Missouri supreme court or a federal court with competent jurisdiction, and at such time, the Missouri revisor shall remove such footnote and, if necessary, shall update such website in like manner as provided in subsection 1 of this section.

3.090. COMPARISON OF PRINTED STATUTES WITH ORIGINAL ROLLS — CERTIFICATION — EVIDENCE OF LAWS — PUBLICATION ON WEBSITE. — 1. The revisor of statutes shall supervise the printing and publication of all editions of the revised statutes of Missouri and all supplements and pocket parts thereto. [He] **The revisor** shall proofread and compare all copies of laws appearing in the revised statutes of Missouri and supplement or pocket parts thereto and supervise the correction thereof to ensure that all such copies are true and correct copies of the existing laws of this state according to the original rolls thereof with only such variations in the language thereof as are authorized by section 3.060.

2. When any volume of any edition of the revised statutes of Missouri, or any supplement or any edition of pocket parts thereto is printed and published the revisor of statutes shall certify that all laws printed therein have been examined and compared as required by this section and that the same are true and correct copies thereof as passed and remaining in the office of the secretary of state, and that the revised statutes, supplement or pocket part thereto, as thus published, and all laws as therein contained, are true copies of the existing laws of the state of Missouri, of a general nature. [He] **The revisor** shall deposit a copy of each volume of the revised statutes, supplement or pocket part, so certified, in the secretary's office, which shall be prima facie evidence of such statutes. The certificate shall be printed in each copy of the revised statutes, supplement or pocket part, and every copy so printed containing the certificate may be used in evidence without other or further proof of authentication.

3. The revisor of statutes shall supervise the publication of the revised statutes on any official website of the committee on legislative research. Such supervision shall comply with the provisions of subsection 1 of this section to ensure that a true and correct copy of the existing laws of this state are placed on such website. However, the online version of the revised statutes on any official website of the committee on legislative research shall not be considered an official version of the revised statutes, unless the revisor of statutes chooses to certify it as such and places a certificate on the website. The revisor shall periodically update such website as new laws are enacted, including an update of the website on the effective date of any section that becomes law.

Approved July 2, 2014

SB 649 [SB 649]

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

Modifies provisions relating to right-of-way of political subdivisions

AN ACT to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof four new sections relating to right-of-way of political subdivisions.

SECTION

- A. Enacting clause.
- 67.1830. Definitions.
- 67.1836. Denial of an application for a right-of-way permit, when — revocation of a permit, when — bulk processing of permits allowed, when.
- 67.1838. Disputes to be reviewed by governing body of the political subdivision, court action authorized.
- 67.1842. Prohibited acts by political subdivisions — no right-of-way permit required for projects commenced prior to August 28, 2001 — no fee required, when.

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

SECTION A. ENACTING CLAUSE. — Sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 67.1830, 67.1836, 67.1838, and 67.1842, to read as follows:

67.1830. DEFINITIONS. — As used in sections 67.1830 to 67.1846, the following terms shall mean:

- (1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:
 - (a) Declared abandoned by the owner of such equipment or facilities;
 - (b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or
 - (c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;
- (2) "Degradation", the actual or deemed reduction in the useful life of the public right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;
- (3) "Emergency", includes but is not limited to the following:
 - (a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;

(b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

(c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;

(4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

(a) Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;

(b) The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or

(c) Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground;

(5) "Management costs" or "rights-of-way management costs", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:

(a) Issuing, processing and verifying right-of-way permit applications;

(b) Inspecting job sites and restoration projects;

(c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;

(d) Determining the adequacy of public right-of-way restoration;

(e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and

(f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to [(h)] (f) of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the attorneys' fees and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way [permit] **permits** or other applications or agreements, or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

(6) "Managing the public right-of-way", the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:

(a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance within the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;

- (b) Establish coordination and timing requirements that do not impose a barrier to entry;
- (c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;
- (d) Establish right-of-way permitting requirements for street excavation;
- (e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;
- (f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way, notwithstanding the provisions of section 67.1832;
- (g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and
- (h) Impose permit conditions to protect public safety;
- (7) "Political subdivision", a city, town, village, county of the first classification or county of the second classification;
- (8) "Public right-of-way", the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:
 - (a) The airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service;
 - (b) Easements obtained by utilities or private easements in platted subdivisions or tracts;
 - (c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
 - (d) Pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government;
- (9) "Public utility", every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way;
- (10) "Public utility right-of-way user", a public utility owning or controlling a facility in the public right-of-way; and
- (11) "Right-of-way permit", a permit issued by a political subdivision authorizing the performance of excavation work in a public right-of-way.

67.1836. DENIAL OF AN APPLICATION FOR A RIGHT-OF-WAY PERMIT, WHEN — REVOCATION OF A PERMIT, WHEN — BULK PROCESSING OF PERMITS ALLOWED, WHEN. —

1. A political subdivision may deny an application for a right-of-way permit if:
 - (1) The public utility right-of-way user fails to provide all the necessary information requested by the political subdivision for managing the public right-of-way;
 - (2) The public utility right-of-way user has failed to return the public right-of-way to its previous condition under a previous permit;

(3) The political subdivision has provided the public utility right-of-way user with a reasonable, competitively neutral, and nondiscriminatory justification for requiring an alternative method for performing the work identified in the permit application or a reasonable alternative route that will result in neither additional installation expense up to ten percent to the public utility right-of-way user nor a declination of service quality;

(4) The political subdivision determines that [the] denial is necessary to protect the public health and safety, provided that the authority of the political subdivision does not extend to those items under the jurisdiction of the public service commission, such denial shall not interfere with a public utility's right of eminent domain of private property, and such denials shall only be imposed on a competitively neutral and nondiscriminatory basis; or

(5) The area is environmentally sensitive as defined by state statute or federal law or is a historic district as defined by local ordinance.

2. A political subdivision may, after reasonable notice and an opportunity to cure, revoke a right-of-way permit granted to a public utility right-of-way user, with or without fee refund, and/or impose a penalty as established by the political subdivision until the breach is cured, but only in the event of a substantial breach of the terms and material conditions of the permit. A substantial breach by a permittee includes but is not limited to:

(1) A material violation of a provision of the right-of-way permit;

(2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the political subdivision or its citizens;

(3) A material misrepresentation of fact in the right-of-way permit application;

(4) A failure to complete work by the date specified in the right-of-way permit, unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; and

(5) A failure to correct, within the time specified by the political subdivision, work that does not conform to applicable national safety codes, industry construction standards, or local safety codes that are no more stringent than national safety codes, upon inspection and notification by the political subdivision of the faulty condition.

3. Any political subdivision that requires public utility right-of-way users to obtain a right-of-way permit, except in an emergency, prior to performing excavation work within a public right-of-way shall promptly, but not longer than thirty-one days, process all completed permit applications. If a political subdivision fails to act on an application for a right-of-way permit within thirty-one days, the application shall be deemed approved. In order to avoid excessive processing and accounting costs to either the political subdivision or the public utility right-of-way user, the political subdivision may establish procedures for bulk processing of permits and periodic payment of permit fees.

67.1838. DISPUTES TO BE REVIEWED BY GOVERNING BODY OF THE POLITICAL SUBDIVISION, COURT ACTION AUTHORIZED. — A public utility right-of-way user that has been denied a right-of-way permit, has had its right-of-way permit revoked, believes that the fees imposed on the public right-of-way user by the political subdivision do not conform to the requirements of section 67.1840, believes the political subdivision has violated any provision of sections 67.1830 to 67.1848, or asserts any other issues related to the use of the public right-of-way, may bring an action for review in any court of competent jurisdiction **in this state**. The court shall rule on any such petition for review in an expedited manner by moving the petition to the head of the docket. Nothing shall deny the authority of its right to a hearing before the court.

67.1842. PROHIBITED ACTS BY POLITICAL SUBDIVISIONS — NO RIGHT-OF-WAY PERMIT REQUIRED FOR PROJECTS COMMENCED PRIOR TO AUGUST 28, 2001 — NO FEE REQUIRED, WHEN. — 1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:

- (1) Unlawfully discriminate among public utility right-of-way users;
- (2) Grant a preference to any public utility right-of-way user;
- (3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;
- (4) Require a telecommunications company to obtain a franchise or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846;
- (5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way; or
- (6) Require any public utility that has legally been granted access to the political subdivision's right-of-way [prior to August 28, 2001], to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.

2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.

3. A political subdivision shall not collect a fee imposed pursuant to section 67.1840 through the provision of in-kind services by a public utility right-of-way user, nor require the provision of in-kind services as a condition of consent to use the political subdivision's public right-of-way; however, nothing in this subsection shall preclude requiring services of a cable television operator, open video system provider or other video programming provider as permitted by federal law.

Approved March 20, 2014

SB 650 [SS SCS SB 650]

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

Modifies provisions relating to wireless communications infrastructure deployment

AN ACT to repeal sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, and 67.5103, RSMo, and to enact in lieu thereof eight new sections relating to wireless communications infrastructure deployment.

SECTION

- A. Enacting clause.
- 67.5090. Citation of law.
- 67.5092. Definitions.
- 67.5094. Prohibited acts by authority.
- 67.5096. Permitted acts of authority — applicants for new structures, requirements — authority's duties — court review, when.
- 67.5098. Modification of structures, applicant requirements — authority's duties — court review, when.
- 67.5100. Review for conformity with applicable building permit requirements — authority's duties — court review, when.
- 67.5102. Prohibited acts.
- 67.5103. Power of eminent domain prohibited, when.

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

SECTION A. ENACTING CLAUSE. — Sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, and 67.5103, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, and 67.5103, to read as follows:

67.5090. CITATION OF LAW. — Sections 67.5090 to [67.5102] **67.5103** shall be known and may be cited as the "Uniform Wireless Communications Infrastructure Deployment Act" and is intended to encourage and streamline the deployment of **broadcast and** broadband facilities and to help ensure that robust wireless **radio based** communication services are available throughout Missouri.

67.5092. DEFINITIONS. — As used in sections 67.5090 to [67.5102] **67.5103**, the following terms mean:

(1) "Accessory equipment", any equipment serving or being used in conjunction with a wireless **communications** facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures;

(2) "Antenna", communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services;

(3) "Applicant", any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application;

(4) "Application", a request submitted by an applicant to an authority to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure;

(5) "Authority", each state, county, and municipal governing body, board, agency, office, or commission authorized by law and acting in its capacity to make legislative, quasi-judicial, or administrative decisions relative to zoning or building permit review of an application. The term shall not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority;

(6) "Base station", a station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment;

(7) "Building permit", a permit issued by an authority prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code;

(8) "Collocation", the placement or installation of a new wireless facility on [existing structure] **a structure that already has an existing wireless facility**, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes;

(9) "Electrical transmission tower", an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole;

(10) "Equipment compound", an area surrounding or near a wireless support structure within which are located wireless facilities;

(11) "Existing structure", a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole;

(12) "Replacement", includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure;

(13) "Substantial modification", the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

(a) Increases the existing vertical height of the structure by:

a. More than ten percent; or

b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or

(b) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

(c) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

(d) Increases the square footage of the existing equipment compound by more than [two thousand five hundred] **one thousand two hundred fifty** square feet;

(14) "Utility", any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services;

(15) "Utility pole", a structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting;

(16) "Water tower", a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water;

(17) **"Wireless communications service", includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. 301;**

(18) "Wireless facility", the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

[(18)] (19) "Wireless support structure", a structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

67.5094. PROHIBITED ACTS BY AUTHORITY. — In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not:

(1) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;

(2) Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including without limitation the option to collocate instead of construct a new wireless support structure or for substantial modifications of a support structure, or vice versa; provided, however, that solely with respect to an application for a new wireless support structure, an authority may require an applicant to state in [its] **such applicant's** application that it conducted an analysis of available [collection] **collocation** opportunities on existing wireless towers within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis; **For**

collocation to any certified historic structure as defined in section 253.545, in addition to all other applicable time requirements, there shall be a thirty day time period before approval of an application. During such time period, an authority shall hold one or more public hearings on collocation to a certified historic structure.

(3) Dictate the type of wireless facilities, infrastructure or technology to be used by the applicant, including, but not limited to, requiring an applicant to construct a distributed antenna system in lieu of constructing a new wireless support structure;

(4) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application;

(5) With respect to radio frequency emissions, impose environmental testing, sampling, or monitoring requirements or other compliance measures on wireless facilities that are categorically excluded under the Federal Communication Commission's rules for radio frequency emissions under 47 CFR 1.1307(b)(1) or other applicable federal law, as the same may be amended or supplemented;

(6) Establish or enforce regulations or procedures for RF signal strength or the adequacy of service quality;

(7) Establish or enforce regulations or procedures for environmental safety for any wireless communications facility that is inconsistent with or in excess of those required by OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations;

(8) In conformance with 47 U.S.C. Section 332(c)(7)(b)(4), reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions;

[(8)] (9) Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration;

[(9)] (10) Prohibit the placement of emergency power systems that comply with federal and state environmental requirements;

[(10)] (11) Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority for or directly by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. Except when mutually agreeable to the applicant and the authority, total charges and fees shall not exceed five hundred dollars for a collocation application or one thousand five hundred dollars for an application for a new wireless support structure or for a substantial modification of a wireless support structure. Notwithstanding the foregoing, in no event shall an authority or any third-party entity include within its charges any travel expenses incurred in a third-party's review of an application and in no event shall an applicant be required to pay or reimburse an authority for consultation or other third-party fees based on a contingency or result-based arrangement;

[(11)] (12) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses;

[(12)] (13) Condition the approval of an application on the applicant's agreement to provide space on or near the wireless support structure for authority or local governmental services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for such services;

[(13)] (14) Limit the duration of the approval of an application;

[(14)] (15) Discriminate or create a preference on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications;

~~[(15)]~~ **(16)** Impose any requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable;

~~[(16)]~~ **(17)** Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by an authority, in whole or in part, or by any entity in which an authority has a competitive, economic, financial, governance, or other interest;

~~[(17)]~~ **(18)** Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the authority in connection with the authority's exercise of its police power-based regulations; or

~~[(18)]~~ **(19)** Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any entity in which an authority has a competitive, economic, financial, governance, or other interest, to be placed at or collocated with the applicant's wireless support structure.

67.5096. PERMITTED ACTS OF AUTHORITY — APPLICANTS FOR NEW STRUCTURES, REQUIREMENTS — AUTHORITY'S DUTIES — COURT REVIEW, WHEN. — 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to the siting of new wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that proposes to construct a new wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within one hundred twenty calendar days of receiving an application to construct a new wireless support structure or within such additional time as may be mutually agreed to by an applicant and an authority, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within one hundred twenty calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the one hundred twenty calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new wireless support structure within the one hundred twenty calendar days' review period specified under subsection 4 of this section or within such additional time as may be mutually agreed to by an applicant and an authority, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction **within this state**.

67.5098. MODIFICATION OF STRUCTURES, APPLICANT REQUIREMENTS — AUTHORITY'S DUTIES — COURT REVIEW, WHEN. — 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to applications for substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that applies for a substantial modification of a wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within [ninety] **one hundred twenty** calendar days of receiving an application for a substantial modification of wireless support structures, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within ninety calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the ninety calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application for a substantial modification within the ninety calendar days' review period specified under subsection 4 of this section, or within such additional time as may be mutually agreed to by an applicant and an authority, the application for a substantial modification shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction **within this state**.

67.5100. REVIEW FOR CONFORMITY WITH APPLICABLE BUILDING PERMIT REQUIREMENTS — AUTHORITY'S DUTIES — COURT REVIEW, WHEN. — 1. Subject to the provisions of sections 67.5090 to 67.5103, including section 67.5094, collocation applications and applications for replacement of wireless facilities shall be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review.

2. The authority, within forty-five calendar days of receiving a collocation application or application for replacement of wireless facilities, shall:

(1) Review the collocation application or application to replace wireless facilities in light of its conformity with applicable building permit requirements and consistency with sections 67.5090 to 67.5103. A collocation application or application to replace wireless facilities is deemed to be complete unless the authority notifies the applicant in writing, within fifteen calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Each collocation application or application to replace wireless facilities shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application. Upon receipt of a timely written notice that a collocation application or application to replace wireless facilities is deficient, an applicant may take fifteen calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within fifteen calendar days, the application shall be reviewed and processed within forty-five calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen calendar days to cure the specific deficiencies, the forty-five calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the collocation application or application for replacement of wireless facilities; and

(3) Advise the applicant in writing of its final decision.

3. If the authority fails to act on a collocation application or application to replace wireless facilities within the forty-five calendar days' review period specified in subsection 2 of this section, the application shall be deemed approved.

4. The provisions of sections 67.5090 to 67.5103 shall not:

(1) Authorize an authority, except when acting solely in its capacity as a utility, to mandate, require, or regulate the placement, modification, or collocation of any new wireless facility on new, existing, or replacement poles owned or operated by a utility;

(2) Expand the power of an authority to regulate any utility; or

(3) Restrict any utility's rights or authority, or negate any utility's agreement, regarding requested access to, or the rates and terms applicable to placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility.

5. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction **within this state**.

67.5102. PROHIBITED ACTS. — In accordance with the policies of this state to further the deployment of wireless communications infrastructure:

(1) An authority may not institute any moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;

(2) To encourage applicants to request construction of new wireless support structures on public lands and to increase local revenues:

(a) An authority may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless **facility or wireless** support structure on an authority's property in excess of the current market rates for rental or use of similarly situated property. If the applicant and the authority do not agree on the applicable market rate for any such public land and cannot agree on a process by which to derive the applicable market rate for any such public land, then the market rate will be determined by a [panel of three certified appraisers] **state-certified general real estate appraiser** licensed under chapter 339], using the following process. Each party will appoint one certified appraiser to the panel, and the two certified appraisers so appointed will appoint a third certified appraiser. Each

appraiser will independently appraise the appropriate lease rate, and the market rate shall be set at the mid-point between the highest and lowest market rates among the three independent appraisals, provided the mid-point between the highest and lowest appraisals is greater than or less than ten percent of the appraisal of the third appraiser chosen by the parties' appointed appraisers. In such case, the third appraisal will determine the rate for the lease] **mutually agreed upon by the parties at the applicant's cost.** The appraisal process shall be concluded within ninety calendar days from the date the applicant first tenders its proposed lease rate to the authority. [Each party will bear the cost of its own appointed appraiser, and the parties shall share equally the cost of the third appraiser chosen by the two appointed appraisers.] **In the event either party is dissatisfied with the value determined by the appraiser, such party may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review in an expedited manner.** Nothing in this paragraph shall bar an applicant and an authority from agreeing to reasonable, periodic reviews and adjustments of current market rates during the term of a lease or contract to use an authority's property; and

(b) An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than fifteen years in duration unless the applicant agrees to accept a lease or contract of less than fifteen years in duration;

(3) Nothing in subdivision (2) of this section is intended to limit an authority's lawful exercise of zoning, land use, or planning and permitting authority with respect to applications for new wireless support structures on an authority's property under subsection 1 of section 67.5096.

67.5103. POWER OF EMINENT DOMAIN PROHIBITED, WHEN. — Notwithstanding any provision of sections 67.5090 to [67.5102] **67.5103**, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, the department of conservation, the department of natural resources, or the state highways and transportation commission to:

- (1) Lease or sell property for the construction of a new wireless support structure; or
- (2) Locate or cause the collocation or expansion of a wireless facility on any existing structure or wireless support structure.

Approved March 20, 2014

SB 651 [SCS SB 651]

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

Modifies provisions relating to communications services

AN ACT to repeal sections 392.415, 392.461, and 392.611, RSMo, and to enact in lieu thereof three new sections relating to communications services.

SECTION

- A. Enacting clause.
- 392.415. Call location information to be provided in emergencies — immunity from liability, when.
- 392.461. Exemption from certain rules, telecommunications companies.
- 392.611. Inapplicability of laws and rules, when — universal service fund surcharge — broadband not subject to regulation, when — no exemption from rules, when — alternative certification.

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

SECTION A. ENACTING CLAUSE. — Sections 392.415, 392.461, and 392.611, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 392.415, 392.461, and 392.611, to read as follows:

392.415. CALL LOCATION INFORMATION TO BE PROVIDED IN EMERGENCIES — IMMUNITY FROM LIABILITY, WHEN. — 1. Upon request, a telecommunications carrier or commercial mobile service provider as identified in 47 U.S.C. Section 332(d)(1) and 47 CFR Parts 22 or 24 shall provide call location information concerning the user of a telecommunications service or a wireless communications service, in an emergency situation, to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service, or to provide caller location information (or do a ping locate) in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay.

2. No cause of action shall lie in any court of law against any telecommunications carrier or telecommunications service or commercial mobile service provider, or other provider of communications-related service, or its officers, employees, agents, or other specified persons, for:

(1) Providing any information, facilities, or assistance to a law enforcement official or agency in response to requests made under the circumstances of subsection 1 of this section [or for];

(2) Providing such information, facilities, or assistance through any plan or system required by sections 190.300 to 190.340; or

(3) **Any loss, damage, or other injury, whether to person or property, resulting from a disruption or loss of communication services during an emergency situation, except in cases of gross negligence, recklessness, or intentional misconduct.**

3. Notwithstanding any other provision of law, nothing in this section prohibits a telecommunications carrier, commercial mobile service provider, or other provider of communications-related service from establishing protocols by which such carrier or provider could voluntarily disclose call location information.

392.461. EXEMPTION FROM CERTAIN RULES, TELECOMMUNICATIONS COMPANIES. — A telecommunications company may, upon written notice to the commission, elect to be exempt from certain retail rules relating to:

(1) The provision of telecommunications service to retail customers and established by the commission which include provisions already mandated by the Federal Communications Commission, including, but not limited to, federal rules regarding customer proprietary network information, verification of orders for changing telecommunications service providers (slamming), submission or inclusion of charges on customer bills (cramming); or

(2) The installation, provisioning, or termination of retail service.

Notwithstanding any other provision of this section, a telecommunications company shall not be exempt from any commission rule established under authority delegated to the state commission pursuant to federal statute, rule or order, including, but not limited to, universal service funds, number pooling and conservation efforts, or any authority delegated to the state commission to facilitate or enforce any interconnection obligation or other intercarrier issue, including, but not limited to, intercarrier compensation, network configuration or other such matters. Notwithstanding other provisions of this chapter or chapter 386, a telecommunications company may, upon written notice to the commission, elect to be exempt from any requirement to file or maintain with the commission any tariff or schedule of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract, whether in whole or in part, for telecommunications services offered or provided to residential or business retail end user customers and instead shall publish generally available retail prices for those services available to the public by posting such

prices on a publicly accessible website. A telecommunications company may include in a tariff filed with the commission any, all, or none of the rates, terms, or conditions for any, all, or none of its retail telecommunications services. Nothing in this section shall affect the rights and obligations of any entity, including the commission, established pursuant to federal law, including 47 U.S.C. Sections 251 and 252, any state law, rule, regulation, or order related to wholesale rights and obligations, or any tariff or schedule that is filed with and maintained by the commission.

392.611. INAPPLICABILITY OF LAWS AND RULES, WHEN — UNIVERSAL SERVICE FUND SURCHARGE — BROADBAND NOT SUBJECT TO REGULATION, WHEN — NO EXEMPTION FROM RULES, WHEN — ALTERNATIVE CERTIFICATION. — 1. A telecommunications company certified under this chapter or holding a state charter authorizing it to engage in the telephone business shall not be subject to any statute in chapter 386 or this chapter (nor any rule promulgated or order issued under such chapters) that imposes duties, obligations, conditions, or regulations on retail telecommunications services provided to end user customers, except to the extent it elects to remain subject to certain statutes, rules, or orders by notification to the commission. Telecommunications companies shall remain subject to general, nontelecommunications-specific statutory provisions other than those in chapters 386 and this chapter to the extent applicable. Telecommunications companies shall:

(1) Collect from their end users the universal service fund surcharge in the same competitively neutral manner as other telecommunications companies and interconnected voice over internet protocol service providers, remit such collected surcharge to the universal service fund administrator, and receive, as appropriate, funds disbursed from the universal service fund, which may be used to support the provision of local voice service;

(2) Report to the commission such intrastate telecommunications service revenues as are necessary to calculate the commission assessment, universal service fund surcharge, and telecommunications programs under section 209.255; and

(3) Continue to comply with the provisions of section 392.415 pertaining to the provision of location information in emergency situations.

2. Broadband and other internet protocol-enabled services shall not be subject to regulation under chapter 386 or this chapter, except that interconnected voice over internet protocol service shall continue to be subject to section 392.550. Nothing in this subsection extends, modifies, or restricts the provisions of subsection 3 of this section. As used in this subsection, "other internet protocol-enabled services" means any services, capabilities, functionalities, or applications using existing internet protocol, or any successor internet protocol, that enable an end user to send or receive a communication in existing internet protocol format, or any successor internet protocol format, regardless of whether the communication is voice, data, or video.

3. Notwithstanding any other provision of this section, a telecommunications company shall not be exempt from any commission rule established under authority delegated to the state commission under federal statute, rule, or order, including, but not limited to, universal service funds, number pooling, and conservation efforts. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority delegated to the state commission under federal statute, rule, or order to require, facilitate, or enforce any interconnection obligation or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration or other such matters. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority the commission may have arising under state law relating to interconnection obligations or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration, or other such matters.

4. After August 28, [2013] **2014**, telecommunications companies seeking to provide telecommunications service may, in lieu of the process and requirements for certification set out

in other sections, elect to obtain certification by following the same registration process set out in subsection 3 of section 392.550, substituting telecommunications service for interconnected voice over internet protocol service in the requirements specified in subdivisions (1) to (8) of subsection 3 of section 392.550.

Approved March 20, 2014

SB 653 [HCS SS SCS SB 653]

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

Modifies provisions relating to municipal utility poles

AN ACT to repeal sections 67.1830 and 67.5104, RSMo, and to enact in lieu thereof two new sections relating to municipal utility poles.

SECTION

- A. Enacting clause.
- 67.1830. Definitions.
- 67.5104. Pole attachment and pole defined — denial of permit on nondiscriminatory basis only — pole attachment fees, terms, and conditions to be nondiscriminatory — review, when — attachment during pendency of dispute — revocation, when.

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

SECTION A. ENACTING CLAUSE. — Sections 67.1830 and 67.5104, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.1830 and 67.5104, to read as follows:

67.1830. DEFINITIONS. — As used in sections 67.1830 to 67.1846, the following terms shall mean:

(1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:

- (a) Declared abandoned by the owner of such equipment or facilities;
- (b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or
- (c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;

(2) "Degradation", the actual or deemed reduction in the useful life of the public right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;

(3) "Emergency", includes but is not limited to the following:

(a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;

(b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

(c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;

(4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

(a) Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;

(b) The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or

(c) Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground;

(5) "Management costs" or "rights-of-way management costs", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:

(a) Issuing, processing and verifying right-of-way permit applications;

(b) Inspecting job sites and restoration projects;

(c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;

(d) Determining the adequacy of public right-of-way restoration;

(e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and

(f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to [(h)] **(f)** of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the attorneys' fees and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way [permit] **permits** or other applications or agreements, or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

(6) "Managing the public right-of-way", the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:

(a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance within the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;

(b) Establish coordination and timing requirements that do not impose a barrier to entry;

(c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;

- (d) Establish right-of-way permitting requirements for street excavation;
- (e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;
- (f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way, notwithstanding the provisions of section 67.1832;
- (g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and
- (h) Impose permit conditions to protect public safety;
- (7) "Political subdivision", a city, town, village, county of the first classification or county of the second classification;
- (8) "Public right-of-way", the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:
 - (a) The airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service;
 - (b) Easements obtained by utilities or private easements in platted subdivisions or tracts;
 - (c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
 - (d) **Poles**, pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government;
- (9) "Public utility", every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way;
- (10) "Public utility right-of-way user", a public utility owning or controlling a facility in the public right-of-way; and
- (11) "Right-of-way permit", a permit issued by a political subdivision authorizing the performance of excavation work in a public right-of-way.

67.5104. POLE ATTACHMENT AND POLE DEFINED — DENIAL OF PERMIT ON NONDISCRIMINATORY BASIS ONLY — POLE ATTACHMENT FEES, TERMS, AND CONDITIONS TO BE NONDISCRIMINATORY — REVIEW, WHEN — ATTACHMENT DURING PENDENCY OF DISPUTE — REVOCATION, WHEN. — 1. As used in this section, "pole attachment" means an attachment by **an attaching entity, including** a video service provider, a telecommunications **provider** or other communications-related service provider to a pole owned **or controlled** by a municipal utility **or municipality**, but not a wireless antenna attachment or an attachment by a wireless communications provider to a pole. **As used in this section, "pole" means a utility pole which is owned or controlled by a municipal utility or municipality, but shall not include poles that are not associated with the transmission or distribution of electric power, communications, broadband, or video services. A municipal utility or municipality may only deny an attaching entity access to the utility's poles on a nondiscriminatory basis if there is insufficient capacity or for reasons of safety and reliability and if the attaching**

entity will not resolve the issue. If a municipal utility or municipality does not find any capacity, safety, or reliability issues, such municipal utility or municipality shall issue the attaching entity a permit to attach to the municipal utility's or municipality's poles. Nothing in this section shall be construed to prohibit a municipal utility or municipality from requiring an attaching entity to enter into a pole attachment agreement consistent with this section.

2. Notwithstanding sections 67.1830 to 67.1846, any pole attachment fees, terms, and conditions, including those related to the granting or denial of access, demanded by a municipal utility pole owner or controlling authority of a municipality shall be nondiscriminatory, just, and reasonable and shall not be subject to any required franchise authority or government entity permitting, except as provided in this section. A pole attachment rental fee shall be calculated on an annual, per-pole basis. Such rental fee shall be considered nondiscriminatory, just, and reasonable if it is agreed upon by the parties or, in the absence of such an agreement, based on cost but in no such case shall such fee so calculated be greater than the fee which would apply if it were calculated in accordance with the cable service rate formula referenced in 47 U.S.C. Sec. 224(d) as applied by the Federal Communications Commission[, except as permitted by subsection 3 of this section.

3. Either party may seek review of any fee, term, or condition by means of binding arbitration conducted by a single arbitrator mutually agreeable to the parties or, in the absence of such an agreement, by means of binding arbitration conducted by the American Arbitration Association. An arbitrator's award regarding fees shall be confined to ensuring that the municipal utility pole owner recovers its direct costs and a reasonable share of the fully allocated costs attributable to the pole attachment, and that the fee may exceed the fee resulting from the application of the cable service rate formula referenced in this section only if based on an express written finding stated in the award that such award is based on competent and substantial evidence that the revenues produced under the cable service rate formula and other payments made by the service provider do not sufficiently recover the direct costs and a reasonable share of the fully allocated costs attributable to the pole attachment]. In addition, a municipal pole owner may be authorized to exceed the rate of return cost components of the Federal Communications Commission formula referenced in this section if necessary to comply with Article X of the Missouri Constitution. [Pending the arbitrator's rendering of such an award, the last existent rental fee applicable to the pole attachment shall remain in place and binding upon both parties] **In the event of a dispute between the parties, either party may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review in an expedited manner by moving the petition to the head of the docket consistent with subsection 2 of this section. Nothing shall deny any party the right to a hearing before the court.**

[4.] **3.** Where no [prior contract] **pole attachment agreement** exists between an attaching entity and the municipal utility pole owner **or controlling authority of a municipality**, and a dispute between a municipal utility pole owner **or controlling authority of a municipality** and an attaching entity exclusively concerns the per-pole fee **or any requirement or issue not directly related to pole attachments consistent with this section or both**, then the attaching entity may proceed with its attachments during the pendency of the [arbitration] **dispute** under the agreed-upon terms and conditions **at a rental rate of no more than as set forth in subsection 2 of this section. The attaching entity shall comply with applicable and reasonable engineering, safety and reliability standards and shall hold the municipal pole owner or controlling authority of the municipality harmless for any liabilities or damages incurred that are caused by the attaching entity.**

[5.] **4.** The provisions of this section shall not supersede existing pole attachment agreements established prior to August 28, [2013] **2014.**

[6.] **5.** Nothing in this section shall be construed as conferring any jurisdiction or authority to the public service commission **or any state agency** to regulate either the fees, terms, or

conditions for pole attachments, or for any state agency to assert any jurisdiction over [pole attachments] **attachments to poles** regulated by 47 U.S.C. Sec. 224.

6. A municipal utility or municipality may, after reasonable written notice and an opportunity to cure, as provided in the applicable pole attachment agreement between a municipal utility or municipality and an attaching entity, revoke a pole attachment permit granted to an attaching entity and require removal of the attachment with or without fee refund for breach of the pole attachment agreement or permit until the breach is cured, but only in the event of a substantial breach of material terms and conditions of the pole attachment agreement or permit. A substantial breach by an attaching entity shall be limited to:

(1) A material violation of a material provision of the applicable pole attachment agreement or permit;

(2) An evasion or attempt to evade any material provision of the applicable pole attachment agreement or permit;

(3) A material misrepresentation of fact in the applicable pole attachment agreement or permit application;

(4) A failure to complete work by the date and in accordance with the terms specified in the applicable pole attachment agreement or permit, unless an extension is obtained or unless the failure to complete the work is due to reasons beyond the attaching entity's control; or

(5) A failure to correct, within the time and in accordance with the terms specified by the municipal utility or municipality in the applicable pole attachment agreement or permit, work by the attaching entity that does not conform to applicable national safety codes, industry construction standards, or local safety codes that are not more stringent than national safety codes, upon inspection and notification by the municipal utility or municipality of the faulty condition. If the time for correction is not specified in the applicable pole attachment agreement or permit, the time for correction shall be reasonable under the particular circumstances, and in no event less than thirty days.

7. Unless otherwise provided for in an applicable pole attachment agreement, in the event of an imminent threat to public health, life, or safety, a municipal utility or municipality shall, upon notice to the attaching entity, request the attaching entity rearrange, relocate, or remove a pole attachment from a pole or absent action from the attaching entity, have the authority to rearrange, relocate, or remove a pole attachment consistent with industry practices. The attaching entity shall be notified as soon as practicable upon the cessation of the threat to public health, life, or safety, or upon restoration of the attachment by the municipal utility or municipality.

Approved March 20, 2014

SB 655 [HCS SB 655]

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

Modifies provisions relating to property

AN ACT to repeal sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, and to enact in lieu thereof eighteen new sections relating to property.

SECTION

- A. Enacting clause.
- 67.281. Installation of fire sprinklers to be offered to purchaser by builder of certain dwellings — purchaser may decline — expiration date.
- 441.005. Definitions.
- 441.500. Definitions.
- 441.760. Immediate removal of parties other than tenant, when — immediate removal of tenant or lessee, when.
- 441.770. Court-ordered eviction, when — court-ordered removal of third party from leased premises, when — expedited eviction order — stay of execution of eviction order, when.
- 512.180. Appeals from cases tried before associate circuit judge.
- 516.350. Judgments presumed to be paid, when — presumption, how rebutted — inclusion in the automated child support system — judgment for unpaid rent, revived by publication.
- 534.060. Before whom cognizable — centralized filing — assignment of cases.
- 534.350. Execution — when issued and levied.
- 534.360. Execution, when defendant is about to abscond.
- 534.380. Judgment stay for appeals.
- 535.030. Service of summons — court date included in summons.
- 535.110. Appeals, defendant to furnish bond to stay execution.
- 535.160. Tender of rent and costs on judgment date, effect — not bar to landlord's appeal — no stay of execution if no money judgment, exceptions.
- 535.170. Lessee barred from relief, when — appeal permitted, when.
- 535.200. Landlord-tenant court authorized in City of St. Louis, jurisdiction — landlord-tenant commissioners, powers and qualifications — landlord-tenant court procedures.
- 535.210. Landlord-tenant court authorized in Jackson County, jurisdiction — landlord-tenant commissioners, powers and qualifications — landlord-tenant court procedures.
- 569.130. Claim of right.

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

SECTION A. ENACTING CLAUSE. — Sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, to read as follows:

67.281. INSTALLATION OF FIRE SPRINKLERS TO BE OFFERED TO PURCHASER BY BUILDER OF CERTAIN DWELLINGS — PURCHASER MAY DECLINE — EXPIRATION DATE. —

1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. The provisions of this section shall expire on December 31, [2019] **2024**.

2. Any governing body of any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the language in section R317 of the 2006 International Residential Code for two-family dwellings (R317.1) and townhouses (R317.2).

441.005. DEFINITIONS. — Except as otherwise provided, when used in chapter 534, chapter 535, or this chapter, the following terms mean:

(1) **"Landlord", the owner or lessor of the premises or a person authorized by the owner to exercise any aspect of the management of the premises;**

(2) **"Lease", a written or oral agreement for the use or possession of premises;**

[(2)] (3) **"Lessee", any person who leases premises from another[, and any person residing on the premises with the lessee's permission] to the exclusion of others during the rental or lease period and who is obligated to pay rent;**

[(3)] (4) **"Premises", land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. "Premises" include structures, fixed or mobile, temporary or permanent, vessels, manufactured homes as defined in section 700.010, mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage;**

[(4)] (5) **"Rent", a stated payment for the temporary possession or use of a house, land or other real property, made at fixed intervals by a tenant or lessee to a landlord;**

(6) **"Tenant", a person who occupies the premises with the landlord's consent.**

441.500. DEFINITIONS. — As used in sections 441.500 to 441.643, the following terms mean:

(1) **"Abatement", the removal or correction, including demolition, of any condition at a property that violates the provisions of any duly enacted building or housing code, as well as the making of such other improvements or corrections as are needed to effect the rehabilitation of the property or structure, including the closing or physical securing of the structure;**

(2) **"Agent", a person authorized by an owner to act for him;**

(3) **"Code enforcement agency", the official, agency, or board that has been delegated the responsibility for enforcing the housing code by the governing body;**

(4) **"Community", any county or municipality;**

(5) **"County", any county in the state;**

(6) **"Dwelling unit", premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;**

(7) **"Governing body", the board, body or persons in which the powers of a community are vested;**

(8) **"Housing code", a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;**

(9) **"Local housing corporation", a not-for-profit corporation organized pursuant to the laws of the state of Missouri for the purpose of promoting housing development and conservation within a specified area of a municipality or an unincorporated area;**

(10) **"Municipality", any incorporated city, town, or village;**

(11) **"Neighborhood association", any group of persons organized for the sole purpose of improvement of a particular geographic area having specific boundaries within a municipality, provided that such association is recognized by the municipality as the sole association for such purpose within such geographic area;**

(12) **"Notice of deficiency", a notice or other order issued by the code enforcement agency and requiring the elimination or removal of deficiencies found to exist under the housing code;**

(13) **"Nuisance", a violation of provisions of the housing code applying to the maintenance of the buildings or dwellings which the code official in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare;**

(14) **"Occupant", any person lawfully occupying a dwelling unit as his or her place of residence, either as a tenant or a lessee, whether or not that person is occupying the dwelling unit as a tenant from month to month or under a written lease, undertaking or other agreement;**

(15) **"Owner", the record owner or owners, and the beneficial owner or owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or**

vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit;

(16) "Person", any individual, corporation, association, partnership, or other entity.

441.760. IMMEDIATE REMOVAL OF PARTIES OTHER THAN TENANT, WHEN — IMMEDIATE REMOVAL OF TENANT OR LESSEE, WHEN. — 1. If the plaintiff has met its burden of proof for a complete eviction but the tenant successfully pleads an affirmative defense to the eviction pursuant to section 441.750, then the court shall not terminate the tenancy but shall order the immediate removal of any person who the court finds conducted the drug-related activity which was the subject of the eviction proceeding.

2. If the plaintiff presents evidence that a person is not lawfully occupying a dwelling unit as either a tenant or a lessee, the court shall order the immediate removal of such person unlawfully occupying the dwelling unit.

441.770. COURT-ORDERED EVICTION, WHEN — COURT-ORDERED REMOVAL OF THIRD PARTY FROM LEASED PREMISES, WHEN — EXPEDITED EVICTION ORDER — STAY OF EXECUTION OF EVICTION ORDER, WHEN. — 1. If the grounds for an eviction have been established pursuant to subsection 1 of section 441.740, the court shall order that the tenant be evicted from the leased property. **Following the order, the tenant shall have twenty-four hours to vacate the premises and the landlord shall subsequently have a right to reenter and take possession of the premises.**

2. If the grounds for a removal have been established pursuant to subsection 2 of section 441.740, the court shall order that those persons found to be engaging in the criminal activity described therein be immediately removed and barred from the leased property, but the court shall not order the tenancy be terminated.

3. The court may order the expedited execution of an eviction or removal order by requiring the order's enforcement by the appropriate agency within a specified number of days after final judgment.

4. The court may stay execution of an eviction or removal order for a reasonable length of time if the moving party establishes by clear and convincing evidence that immediate removal or eviction would pose a serious danger to the party and that this danger outweighs the safety, health and well-being of the surrounding community and of the plaintiff.

512.180. APPEALS FROM CASES TRIED BEFORE ASSOCIATE CIRCUIT JUDGE. — 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases tried before municipal court or under the provisions of [chapters] **chapter 482], 534, and 535].**

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

516.350. JUDGMENTS PRESUMED TO BE PAID, WHEN — PRESUMPTION, HOW REBUTTED — INCLUSION IN THE AUTOMATED CHILD SUPPORT SYSTEM — JUDGMENT FOR UNPAID RENT, REVIVED BY PUBLICATION. — 1. Every judgment, order or decree of any court of record of the United States, or of this or any other state, territory or country, except for any judgment, order, or decree awarding child support or maintenance or dividing pension,

retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment which mandates the making of payments over a period of time or payments in the future, shall be presumed to be paid and satisfied after the expiration of ten years from the date of the original rendition thereof, or if the same has been revived upon personal service duly had upon the defendant or defendants therein, then after ten years from and after such revival, or in case a payment has been made on such judgment, order or decree, and duly entered upon the record thereof, after the expiration of ten years from the last payment so made, and after the expiration of ten years from the date of the original rendition or revival upon personal service, or from the date of the last payment, such judgment shall be conclusively presumed to be paid, and no execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained thereon for any purpose whatever. An action to emancipate a child, and any personal service or order rendered thereon, shall not act to revive the support order.

2. In any judgment, order, or decree awarding child support or maintenance, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 31, 1982.

3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 28, 2001.

4. In any judgment, order or decree awarding child support or maintenance, payment duly entered on the record as provided in subsection 1 of this section shall include recording of payments or credits in the automated child support system created pursuant to chapter 454 by the division of child support enforcement or payment center pursuant to chapter 454.

5. Any judgment, order, or decree awarding unpaid rent may be revived upon publication consistent with the publication requirements of section 506.160 and need not be personally served on the defendant.

534.060. BEFORE WHOM COGNIZABLE — CENTRALIZED FILING — ASSIGNMENT OF CASES. — Forcible entries and detainers, and unlawful detainers, may be heard and determined by any associate circuit judge of the county in which they are committed. Neither the provisions of this section or any other section in this chapter shall preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular associate circuit or circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges [and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record]. **All cases under this chapter shall be heard on the record. Unless the plaintiff under subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges,** to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the [case is heard initially before an associate circuit judge who has been specially assigned to hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case

was being heard upon an application for trial de novo, and in such instances, notwithstanding the specific references to chapter 517 in this chapter,] **plaintiff under subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges, the case shall be heard and determined under the rules of practice and procedure provided in the Missouri Rules of Civil Procedure [and the extant provisions of The Civil Code of Missouri shall apply] instead of those contained in chapter 517, notwithstanding the specific references to chapter 517 in this chapter.**

534.350. EXECUTION — WHEN ISSUED AND LEVIED. — The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for [the filing of an application for trial de novo or] the taking of an appeal, except as in the next succeeding section is provided.

534.360. EXECUTION, WHEN DEFENDANT IS ABOUT TO ABSCOND. — If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for [the filing of an application for a trial de novo or] taking an appeal.

534.380. JUDGMENT STAY FOR APPEALS. — Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided [in chapter 512] **in other civil cases.** Application for [a trial de novo or] appeal shall not stay execution for restitution of the premises unless the defendant gives bond within the time for appeal. The bond shall be for the amount of the judgment and with the condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the trial de novo or appeal, subject to the judge's discretion. However, in any case in which the defendant receives a reduction in rent due to a local, state or federal subsidy program, the amount of the bond shall be reduced by the amount of said subsidy. Execution other than for restitution shall be stayed if the defendant files a bond in the proper amount at such time as otherwise provided by law.

535.030. SERVICE OF SUMMONS — COURT DATE INCLUDED IN SUMMONS. — 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has

absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

535.110. APPEALS, DEFENDANT TO FURNISH BOND TO STAY EXECUTION. — Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided [in chapter 512] **in other civil cases**; but no application for [a trial de novo or] **an** appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the [trial de novo or] appeal.

535.160. TENDER OF RENT AND COSTS ON JUDGMENT DATE, EFFECT — NOT BAR TO LANDLORD'S APPEAL — NO STAY OF EXECUTION IF NO MONEY JUDGMENT, EXCEPTIONS. — If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial [but before any trial de novo] the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

535.170. LESSEE BARRED FROM RELIEF, WHEN — APPEAL PERMITTED, WHEN. — After the execution of any judgment for possession pursuant to this chapter, the lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee, shall be barred from reentry of such premises and from all relief, and except for error in the record or proceedings, the landlord shall from that day hold the demised premises discharged from the lease. Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo] recover any damage incurred, including damages incurred from an unlawful dispossession.

535.200. LANDLORD-TENANT COURT AUTHORIZED IN CITY OF ST. LOUIS, JURISDICTION — LANDLORD-TENANT COMMISSIONERS, POWERS AND QUALIFICATIONS —

LANDLORD-TENANT COURT PROCEDURES. — 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of the city of St. Louis, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at city expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by the city of St. Louis.

535.210. LANDLORD-TENANT COURT AUTHORIZED IN JACKSON COUNTY, JURISDICTION — LANDLORD-TENANT COMMISSIONERS, POWERS AND QUALIFICATIONS — LANDLORD-TENANT COURT PROCEDURES. — 1. In the sixteenth judicial circuit, upon

adoption of an ordinance by Jackson County providing for expenditure of county funds for such purpose, a majority of the circuit court judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of Jackson County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of Jackson County, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit court, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at county expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] **an** appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days from the date of service. [The sheriff] **Service** must [attempt to serve any summons] **be attempted** within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by Jackson County.

569.130. CLAIM OF RIGHT. — 1. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he **or she** does so under a claim of right and has reasonable grounds to believe he **or she** has such a right.

2. The defendant shall have the burden of injecting the issue of claim of right.

3. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling unit, or the facilities, equipment, or appurtenances thereof, may inject the issue of claim of right.

Approved July 8, 2014

SB 664 [CCS HCS SCS SB 664]

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

Modifies provisions relating to natural resources

AN ACT to repeal sections 260.273, 643.055, and 644.145, RSMo, and to enact in lieu thereof five new sections relating to natural resources.

SECTION

- A. Enacting clause.
- 260.273. Fee, sale of new tires, amount — collection, use of moneys — termination.
- 643.055. Commission may adopt rules for compliance with federal law — suspension, reinstatement — exemption, limitations — regulation of residential wood burning heaters or appliances prohibited legislative authorization.
- 643.640. Emission standards to be developed for certain carbon dioxide sources — unit-by-unit analysis required, procedure — severability clause.
- 644.058. Water quality standards revised, when — evaluation to be conducted, when.
- 644.145. Affordability finding required, when — definitions — procedures to be adopted — appeal of determination — annual report, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 260.273, 643.055, and 644.145, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 260.273, 643.055, 643.640, 644.058, and 644.145, to read as follows:

260.273. FEE, SALE OF NEW TIRES, AMOUNT — COLLECTION, USE OF MONEYS — TERMINATION. — 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds,

which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing environmental educational materials, programs, and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

5. Up to fifty percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to forty-five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental or public health emergencies and threats as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

- (1) Removal of waste tires from illegal tire dumps;
- (2) Providing grants to persons that will use products derived from waste tires, or used waste tires as a fuel or fuel supplement; and
- (3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate January 1, [2015] 2020.

643.055. COMMISSION MAY ADOPT RULES FOR COMPLIANCE WITH FEDERAL LAW — SUSPENSION, REINSTATEMENT — EXEMPTION, LIMITATIONS — REGULATION OF RESIDENTIAL WOOD BURNING HEATERS OR APPLIANCES PROHIBITED LEGISLATIVE AUTHORIZATION. — 1. Other provisions of law notwithstanding, the Missouri air conservation commission shall have the authority to promulgate rules and regulations, pursuant to chapter 536, to establish standards and guidelines to ensure that the state of Missouri is in compliance with the provisions of the federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.). The standards and guidelines so established shall not be any stricter than those required under the provisions of the federal Clean Air Act, as amended; nor shall those standards and guidelines be enforced in any area of the state prior to the time required by the federal Clean Air Act, as amended. The restrictions of this section shall not apply to the parts of a state implementation plan developed by the commission to bring a nonattainment area into compliance and to maintain compliance when needed to have a United States Environmental Protection Agency approved state implementation plan. The determination of which parts of a state implementation plan are not subject to the restrictions of this section shall be based upon specific findings of fact by the air conservation commission as to the rules, regulations and criteria that are needed to have a United States Environmental Protection Agency approved plan.

2. The Missouri air conservation commission shall also have the authority to grant exceptions and variances from the rules set under subsection 1 of this section when the person applying for the exception or variance can show that compliance with such rules:

- (1) Would cause economic hardship; or
- (2) Is physically impossible; or
- (3) Is more detrimental to the environment than the variance would be; or
- (4) Is impractical or of insignificant value under the existing conditions.

3. The department shall not regulate the manufacture, performance, or use of residential wood burning heaters or appliances through a state implementation plan or otherwise, unless first specifically authorized to do so by the general assembly. No rule or

regulation respecting the establishment or the enforcement of performance standards for residential wood burning heaters or appliances shall become effective unless and until first approved by the joint committee on administrative rules.

4. New rules or regulations shall not be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014 shall not be subject to any rules or regulations enacted after such date. No employee of the state or a state agency shall enforce any new rules or regulations against such existing wood burning furnaces, stoves, fireplaces, and heaters.

643.640. EMISSION STANDARDS TO BE DEVELOPED FOR CERTAIN CARBON DIOXIDE SOURCES—UNIT-BY-UNIT ANALYSIS REQUIRED, PROCEDURE—SEVERABILITY CLAUSE.—

1. The commission shall develop emission standards under 42 U.S.C. Section 7411(d) and 40 CFR 60.24 through a unit-by-unit analysis of each existing affected source of carbon dioxide within the state. As used in this section, "unit-by-unit analysis" means an analysis of each generation plant individually, regardless of the number of turbines at each plant site.

2. The commission shall consider in developing and implementing emission standards for each existing affected source of carbon dioxide, among other factors, the remaining useful life of the existing affected source to which such standard applies, consistent with 42 U.S.C. Section 7411(d).

3. The commission shall consider, consistent with its statutory duties to achieve the prevention, abatement, and control of air pollution by all commercially available and economically feasible methods, the overall economic impact from any and all emission standards and compliance schedules developed and implemented under 42 U.S.C. Section 7411(d).

4. The commission may develop, on a unit-by-unit basis for individual existing affected sources and emissions of carbon dioxide at these existing affected sources, consistent with 40 CFR 60.24(f), emission standards that are less stringent, but not more stringent, than applicable federal emission guidelines or longer compliance schedules than those required by federal regulations. This determination shall be based on:

(1) Unreasonable cost of control resulting from plant age, location, or basic process design;

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the existing affected source or class of existing affected sources that make application of a less stringent standard or final compliance time significantly more reasonable including, but not limited to, the absolute cost of applying the emission standard and compliance schedule to the existing affected source; the outstanding debt associated with the existing affected source; the economic impacts of closing the existing affected source, including expected job losses if the existing affected source is unable to comply with the performance standard; and the customer impacts of applying the emission standard and compliance schedule to the existing affected source, including any disproportionate electric rate impacts on low income populations.

5. As required by 40 CFR 60.26, the commission has legal authority to carry out any state implementation plan with emission standards and compliance schedules that are developed and implemented consistent with this chapter.

6. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

644.058. WATER QUALITY STANDARDS REVISED, WHEN — EVALUATION TO BE CONDUCTED, WHEN.— Notwithstanding the provisions of section 644.026 to the contrary,

in promulgating water quality standards, the commission shall only revise water quality standards upon the completion of an assessment by the department finding that there is an environmental need for such revision. As part of the implementation of any revised water quality standards modifications of twenty-five percent or more, the department shall conduct an evaluation which shall include the environmental and economic impacts of the revised water quality criteria on a subbasin basis. This evaluation shall be conducted at the eight-digit hydrologic unit code level. The department shall document these evaluations and use them in making individual site-specific permit decisions.

644.145. AFFORDABILITY FINDING REQUIRED, WHEN — DEFINITIONS — PROCEDURES TO BE ADOPTED — APPEAL OF DETERMINATION — ANNUAL REPORT, CONTENTS. — 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or treatment works, the department of natural resources shall make a finding of affordability **on the costs to be incurred and the impact of any rate changes on ratepayers** upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

- (a) Issuing collection system extension permits;
- (b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or
- (c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household **with an income equal to the lower of the median household income for their community or the state of Missouri** can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) "**Finding of affordability**", a department statement as to whether an individual or a household receiving as income an amount equal to the lower of the median household income for the applicant community or the state of Missouri would be required to make unreasonable sacrifices in their essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures

prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

- (1) A community's financial capability and ability to raise or secure necessary funding;
- (2) Affordability of pollution control options for the individuals or households at or below the median household income level of the community;
- (3) An evaluation of the overall costs and environmental benefits of the control technologies;

- (4) Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;**

- (5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

- (a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

- (b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

- ~~[(5)]~~ **(6)** An assessment of other community investments **and operating costs** relating to environmental improvements **and public health protection**;

- ~~[(6)]~~ **(7)** An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

- ~~[(7)]~~ **(8)** An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

- (1) The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;
- (2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;
- (3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;
- (4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:
 - (a) Current and projected monthly residential sewer rates in dollars;
 - (b) Projected monthly residential sewer rates as a percentage of median house income;
 - (c) Percentage of households at or below the state poverty rate.

Approved July 7, 2014

SB 668 [SS SB 668]

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

Requires health benefit plans to establish equal out of pocket costs for covered oral and intravenously administered chemotherapy medications

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to oral chemotherapy parity.

SECTION

- A. Enacting clause.
 376.1257. Orally administered anticancer medications, plan to provide coverage no less favorable than IV or injected medications — definitions — requirements — effective date.

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

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1257, to read as follows:

376.1257. ORALLY ADMINISTERED ANTICANCER MEDICATIONS, PLAN TO PROVIDE COVERAGE NO LESS FAVORABLE THAN IV OR INJECTED MEDICATIONS — DEFINITIONS — REQUIREMENTS — EFFECTIVE DATE. — 1. As used in this section the following terms shall mean:

- (1) "Anticancer medications", medications used to kill or slow the growth of cancerous cells;
- (2) "Covered person", a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health benefit plan for health insurance coverage;
- (3) "Health benefit plan", shall have the same meaning as defined in section 376.1350.

2. Any health benefit plan that provides coverage and benefits for cancer treatment shall provide coverage of prescribed orally administered anticancer medications on a basis no less favorable than intravenously administered or injected anticancer medications.

3. Coverage of orally administered anticancer medication shall not be subject to any prior authorization, dollar limit, co-payment, deductible, or other out-of-pocket expense that does not apply to intravenously administered or injected anticancer medication, regardless of formulation or benefit category determination by the company administering the health benefit plan.

4. The health benefit plan shall not reclassify or increase any type of cost-sharing to the covered person for anticancer medications in order to achieve compliance with this section. Any change in health insurance coverage, which otherwise increases an out-of-pocket expense to anticancer medications, shall be applied to the majority of comparable medical or pharmaceutical benefits covered by the health benefit plan.

5. Notwithstanding the provisions of subsections 2, 3, and 4 of this section, a health benefit plan that limits the total amounts paid by a covered person through all cost-sharing requirements to no more than seventy-five dollars per thirty-day supply for any orally administered anticancer medication shall be considered in compliance with this section. On January 1, 2016, and on January first of each year thereafter, a health benefit plan may adjust such seventy-five dollar limit. The adjustment shall not exceed the Consumer Price Index for All Urban Consumers Midwest Region for that year. For purposes of this subsection "cost-sharing requirements" shall include co-payments, coinsurance, deductibles, and any other amounts paid by the covered person for that prescription.

6. For a health benefit plan that meets the definition of "high deductible health plan" as defined by 26 U.S.C. 223(c)(2), the provisions of subsection 5 of this section shall only apply after a covered person's deductible has been satisfied for the year.

7. The provisions of this section shall become effective January 1, 2015.

Approved March 19, 2014

SB 672 [CCS#2 HCS SCS SB 672]

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

Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales

AN ACT to repeal sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 67.281, 67.320, 79.130, 94.270, 182.802, 192.310, 304.190, 321.322, 339.507, 348.407, 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, RSMo, and to enact in lieu thereof thirty-three new sections relating to political subdivisions, with an existing penalty provision, and an effective date for certain sections.

SECTION

- A. Enacting clause.
- 49.266. County commission by orders or ordinance may regulate use of county property, traffic, and parking — bum bans.
- 56.067. Prosecuting attorney must devote full time to office or special prosecutions (certain counties).
- 56.265. Compensation of prosecuting attorneys — training program, attendance required, when, expenses, compensation — definition, prosecuting attorney to include circuit attorney (noncharter counties).
- 56.363. Full-time prosecutor, ballot — effective date — continuing education requirement, duty to provide to peace officers — may qualify for retirement benefits, when — election in Cedar County.
- 56.807. Local payments, amounts — prosecuting attorneys and circuit attorneys' retirement system fund created — donations may be accepted.
- 56.816. Normal annuity, computation of — reserve account established, purpose.
- 57.095. Service of process, immunity from liability for sheriffs and law enforcement officers, when.

- 67.281. Installation of fire sprinklers to be offered to purchaser by builder of certain dwellings — purchaser may decline — expiration date.
- 67.320. County orders, violations may be brought in circuit court, when — county municipal court to be approved, appointment of judges, procedures (Jefferson and Franklin counties).
- 79.130. Ordinances — procedure to enact — inapplicable, when.
- 79.135. Proposed ordinance by petition, procedure (City of Savannah).
- 94.270. Power to license, tax and regulate certain businesses and occupations — prohibition on local license fees in excess of certain amounts in certain cities (Edmundson, Woodson Terrace) — license fee on hotels or motels (St Peters) — increase or decrease of tax, when.
- 105.1415. Volunteer not considered employee, when.
- 135.980. No restriction by ballot permitted for certain businesses with NAIC code — expiration date.
- 182.802. Public libraries, sales tax authorized — ballot language — definitions (Butler, Ripley, Wayne, Stoddard, New Madrid, Dunklin, Pemiscot, and Saline counties)
- 190.088. Detachment from ambulance district, procedure (City of Riverside) — inapplicable to St. Louis County.
- 192.310. City of St. Charles and cities of 75,000 or over excepted from sections 192.260 to 192.320.
- 249.424. Lateral server line repair, annual fee authorized — submitted to voters, ballot language — fee may be added to general tax levy bills.
- 262.960. Citation of law — program created, purpose — agencies to make staff available — duties of department.
- 262.962. Definitions — task force created, mission, duties, report — expiration date.
- 304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.
- 321.322. Cities with population of 2,500 to 65,000 with fire department, annexing property in a fire protection district — rights and duties, procedure — exception.
- 339.507. Real estate appraisers commission and chairperson, appointment — terms — vacancies, meetings — quorum — per diem — expenses — annual report.
- 339.531. Complaint procedure — effective date.
- 348.407. Development and implementation of grants and loans — fee authority's powers — assistance to businesses — rules.
- 407.1610. Speculative accumulation of asphalt shingles prohibited (St. Louis City).
- 408.040. Interest on judgments, how regulated — prejudgment interest allowed when, procedure.
- 488.305. Court costs — circuit clerk, duties — surcharge for garnishment cases (statutory liens).
- 525.040. Effect of notice of garnishment — priority based on date of service.
- 525.070. Garnishee may discharge himself, how.
- 525.080. Garnishee to deliver property, or pay debts, or may give bond therefor.
- 525.230. Garnishee is a financial institution, one-time deduction permitted, when — procedure.
- 525.310. Compensation of state and municipal employees subject to garnishment, procedure.
B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 67.281, 67.320, 79.130, 94.270, 182.802, 192.310, 304.190, 321.322, 339.507, 348.407, 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 57.095, 67.281, 67.320, 79.130, 79.135, 94.270, 105.1415, 135.980, 182.802, 190.088, 192.310, 249.424, 262.960, 262.962, 304.190, 321.322, 339.507, 339.531, 348.407, 407.1610, 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, to read as follows:

49.266. COUNTY COMMISSION BY ORDERS OR ORDINANCE MAY REGULATE USE OF COUNTY PROPERTY, TRAFFIC, AND PARKING — BURN BANS. — 1. The county commission in all **noncharter** counties [of the first, second or fourth classification] may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

56.067. PROSECUTING ATTORNEY MUST DEVOTE FULL TIME TO OFFICE OR SPECIAL PROSECUTIONS (CERTAIN COUNTIES). — In counties of the first classification not having a charter form of government[,] and **other** counties in which [have passed the proposition authorized by section 56.363] **the prosecuting attorney is a full-time position**, the prosecuting attorney, except in the performance of special prosecutions or otherwise representing the state or its political subdivisions, shall devote full time to his office, and shall not engage in the practice of law.

56.265. COMPENSATION OF PROSECUTING ATTORNEYS — TRAINING PROGRAM, ATTENDANCE REQUIRED, WHEN, EXPENSES, COMPENSATION — DEFINITION, PROSECUTING ATTORNEY TO INCLUDE CIRCUIT ATTORNEY (NONCHARTER COUNTIES). — 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation	Amount
\$ 18,000,000 to 40,999,999	\$37,000
41,000,000 to 53,999,999	38,000
54,000,000 to 65,999,999	39,000
66,000,000 to 85,999,999	41,000
86,000,000 to 99,999,999	43,000
100,000,000 to 130,999,999	45,000
131,000,000 to 159,999,999	47,000
160,000,000 to 189,999,999	49,000
190,000,000 to 249,999,999	51,000
250,000,000 to 299,999,999	53,000
300,000,000 or more	55,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by **subsection 1** of section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

56.363. FULL-TIME PROSECUTOR, BALLOT — EFFECTIVE DATE — CONTINUING EDUCATION REQUIREMENT, DUTY TO PROVIDE TO PEACE OFFICERS — MAY QUALIFY FOR RETIREMENT BENEFITS, WHEN — ELECTION IN CEDAR COUNTY. — 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in County?
 YES NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, **unless the voters of the county elect to change the position of prosecuting attorney back to a part-time position under subsection 4 of this section.** When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat that has elected to

make the county prosecutor a full-time position under this section after the effective date of this act, the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in
County?

YES

NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of county prosecutor a part-time position under subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time prosecutor as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter approved proposition under subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time prosecutor position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the county prosecutor back to a part-time position.

56.807. LOCAL PAYMENTS, AMOUNTS — PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT SYSTEM FUND CREATED — DONATIONS MAY BE ACCEPTED. —

1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, **and, except as otherwise provided under section 56.363**, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August

28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, one hundred eighty-seven dollars;

(2) For counties of the second classification, two hundred seventy-one dollars;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

56.816. NORMAL ANNUITY, COMPUTATION OF — RESERVE ACCOUNT ESTABLISHED, PURPOSE. — 1. The normal annuity of a retired member who served as prosecuting attorney of a county of the third or fourth class shall, except as provided in subsection 3 of this section, be equal to:

(1) Any member who has served twelve or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred five dollars multiplied by the number of two-year periods and partial two-year periods served as a prosecuting attorney;

(2) Any member who has served twenty or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred thirty dollars multiplied by the number of two-year periods and partial two-year periods as a prosecuting attorney.

2. The normal annuity of a retired member who served as prosecuting attorney of a first or second class county or as circuit attorney of a city not within a county shall be equal to fifty percent of the final average compensation.

3. **Except as otherwise provided under section 56.363**, the normal annuity of a retired member who served as a prosecuting attorney of a county which after August 28, 2001, elected to make the position of prosecuting attorney full time pursuant to section 56.363 shall be equal to fifty percent of the final average compensation.

4. The actuarial present value of a retired member's benefits shall be placed in a reserve account designated as a "Retired Lives Reserve". The value of the retired lives reserve shall be increased by the actuarial present value of retiring members' benefits, and by the interest earning of the total fund on a pro rata basis and it shall be decreased by payments to retired members and their survivors. Each year the actuary shall compare the actuarial present value of retired members' benefits with the retired lives reserve. If the value of the retired lives reserve plus one year's interest at the assumed rate of interest exceeds the actuarial present value of retired lives, then distribution of this excess may be made equally to all retired members, or their eligible survivors. The distribution may be in a single sum or in monthly payments at the discretion of the board on the advice of the actuary.

57.095. SERVICE OF PROCESS, IMMUNITY FROM LIABILITY FOR SHERIFFS AND LAW ENFORCEMENT OFFICERS, WHEN. — Notwithstanding the provisions of section 537.600 to the contrary, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers' actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

67.281. INSTALLATION OF FIRE SPRINKLERS TO BE OFFERED TO PURCHASER BY BUILDER OF CERTAIN DWELLINGS — PURCHASER MAY DECLINE — EXPIRATION DATE. —

1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. The provisions of this section shall expire on December 31, [2019] **2024**.

2. Any governing body of any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the language in section R317 of the 2006 International Residential Code for two-family dwellings (R317.1) and townhouses (R317.2).

67.320. COUNTY ORDERS, VIOLATIONS MAY BE BROUGHT IN CIRCUIT COURT, WHEN — COUNTY MUNICIPAL COURT TO BE APPROVED, APPOINTMENT OF JUDGES, PROCEDURES (JEFFERSON AND FRANKLIN COUNTIES). — 1. Any county [of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred] **with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand** inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court

of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. Except as provided in subsection 5 of this section in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

79.130. ORDINANCES — PROCEDURE TO ENACT — INAPPLICABLE, WHEN. — 1. The style of the ordinances of the city shall be: "Be it ordained by the board of aldermen of the city of, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the board of aldermen shall vote for it, and the ayes and nays be entered on the journal. Every proposed ordinance shall be introduced to the board of aldermen in writing and shall be read by title or in full two times prior to passage, both readings may occur at a single meeting of the board of aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the board of aldermen. No bill shall become an ordinance until it shall have been signed by the mayor or person exercising the duties of the mayor's office, or shall have been passed over the mayor's veto, as herein provided.

2. The provisions of this section shall not apply to ordinances proposed or passed under section 79.135.

79.135. PROPOSED ORDINANCE BY PETITION, PROCEDURE (CITY OF SAVANNAH). — 1. In any city of the fourth classification with more than five thousand but fewer than six thousand inhabitants and located in any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants, a proposed ordinance may be submitted to the board of aldermen by petition signed by at least ten percent of the registered voters voting for mayor at the last municipal election. The petition shall contain, in addition to the requisite number of valid signatures, the full text of the ordinance sought to be passed and a request that the ordinance be submitted to a vote of the people if not passed by the board of aldermen.

2. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and

number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he or she believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Within ten days from the date of filing such petition, the city clerk shall examine and ascertain whether the petition is signed by the requisite number of voters, and, if necessary, the board of aldermen shall allow the clerk extra help for such purpose. The clerk shall attach a certificate of examination to the petition. If by the clerk's certificate the petition is shown to be insufficient, the petition may be amended within ten days from the date of the issuance of the clerk's certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition. If the second certificate shows the petition to be insufficient, the petition shall be returned to the person filing it, without prejudice to the filing of a new petition to the same effect. If the petition is deemed to be sufficient, the clerk shall submit it to the board of aldermen without delay.

4. Upon receipt of the petition and certificate from the clerk, the board of aldermen shall either:

(1) Pass said ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition; or

(2) Submit the question without alteration to the voters at the next municipal election, or, if the petition has been signed by twenty-five percent or more of the registered voters voting for mayor at the last municipal election, the board of aldermen shall immediately submit the question without alteration to the voters of the city.

5. The question shall be submitted in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance)

6. If a majority of the voters vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

7. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section.

8. Any ordinance in effect that was proposed by petition cannot be repealed except by a vote of the people. The board of aldermen may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any municipal election; and should such proposition receive a majority of the votes cast thereon, such ordinance shall thereby be repealed or amended accordingly. The board of aldermen may amend an ordinance proposed by petition without a vote of the people, but the original purpose of the ordinance may not be changed by such amendment.

94.270. POWER TO LICENSE, TAX AND REGULATE CERTAIN BUSINESSES AND OCCUPATIONS — PROHIBITION ON LOCAL LICENSE FEES IN EXCESS OF CERTAIN AMOUNTS IN CERTAIN CITIES (EDMUNDSON, WOODSON TERRACE) — LICENSE FEE ON HOTELS OR MOTELS (ST PETERS) — INCREASE OR DECREASE OF TAX, WHEN. — 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile

accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, com doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tipping houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of ~~[twenty-seven]~~ **thirteen** dollars **fifty** cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under subsection 1 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.

105.1415. VOLUNTEER NOT CONSIDERED EMPLOYEE, WHEN. — Any person who performs volunteer work in the office of a judge or prosecutor and receives no pay or compensation shall not be considered an employee of the county or municipality.

135.980. NO RESTRICTION BY BALLOT PERMITTED FOR CERTAIN BUSINESSES WITH NAIC CODE — EXPIRATION DATE. — 1. As used in this section, the following terms shall mean:

(1) "NAICS", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(2) "Public financial incentive", any economic or financial incentive offered including:

(a) Any tax reduction, credit, forgiveness, abatement, subsidy, or other tax-relieving measure;

(b) Any tax increment financing or similar financial arrangement;

(c) Any monetary or non-monetary benefit related to any bond, loan, or similar financial arrangement;

(d) Any reduction, credit, forgiveness, abatement, subsidy, or other relief related to any bond, loan, or similar financial arrangement; and

(e) The ability to form, own, direct, or receive any economic or financial benefit from any special taxation district.

2. No city not within a county shall by ballot measure impose any restriction on any public financial incentive authorized by statute for a business with a NAICS code of 212111.

3. The provisions of this section shall expire on December 31, 2017.

182.802. PUBLIC LIBRARIES, SALES TAX AUTHORIZED — BALLOT LANGUAGE — DEFINITIONS (BUTLER, RIPLEY, WAYNE, STODDARD, NEW MADRID, DUNKLIN, PEMISCOT, AND SALINE COUNTIES) — 1. (1) Any public library district located in any of the following counties may impose a tax as provided in this section:

(a) At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

(b) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

(c) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

(d) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

(e) Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;

(f) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;

(g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(h) Any county of the fourth classification with more than twenty thousand but fewer than thirty thousand inhabitants.

(2) Any public library district listed in subdivision (1) of this subsection may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for the purpose of providing funding for library district?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, "qualified voters" or "voters" means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term "public library district" shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district.

190.088. DETACHMENT FROM AMBULANCE DISTRICT, PROCEDURE (CITY OF RIVERSIDE) — INAPPLICABLE TO ST. LOUIS COUNTY. — 1. A city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants that is located partially within an ambulance district may file with the ambulance district's board of directors a notice of intention of detachment stating the city's intent that the area located within the city and the ambulance district, or a portion of such area, is to be excluded and taken from the district. The filing of a notice of intention of detachment must be authorized by ordinance. Such notice of intention of detachment shall describe the subject area to be excluded from the ambulance district in the form of a legal description and map.

2. After filing the notice of intention of detachment with the ambulance district, the city shall conduct a public hearing on the notice of intention of detachment and give notice by publication in a newspaper of general circulation qualified to publish legal matters in the county where the subject area is located, at least once a week for three consecutive weeks prior to the hearing, with the last notice being not more than twenty days and not less than ten days before the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. At the public hearing, the city shall present its

reasons why it desires to detach the subject area from the ambulance district and its plan to provide or cause to be provided ambulance services to the subject area.

3. Following the public hearing, the governing body of the city may approve the detachment of the subject area from the ambulance district by enacting an ordinance with two-thirds of all members of the legislative body of the city voting in favor of the ordinance.

4. Upon duly enacting such detachment ordinance, the city shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city is located and one certified copy to be filed with the election authority if different from the clerk of the county that has jurisdiction over the area being detached.

5. Upon the effective date of the ordinance, which may be up to one year from the date of its passage and approval, the ambulance district shall no longer provide or cause to be provided ambulance services to the subject area and shall no longer levy and collect any tax upon the property included within the detached area, provided that all real property excluded from an ambulance district shall thereafter be subject to the levy of taxes for the payment of any indebtedness of the ambulance district outstanding at the time of exclusion; provided that after any real property shall have been excluded from an ambulance district as provided under this section, any buildings and improvements thereafter erected or constructed on the excluded real property, all machinery and equipment thereafter installed or placed on the excluded real property, and all tangible personal property not in the ambulance district at the time of the exclusion of the subject area, shall not be subject to any taxes levied by the ambulance district.

6. The city shall also:

(1) On or before January first of the second calendar year after the date on which the property was detached from the ambulance district, pay to the ambulance district a fee equal to the amount of revenue that would have been generated during the previous calendar year by the ambulance district tax on the property in the area detached which was formerly part of the ambulance district;

(2) On or before January first of the third calendar year after the date on which the property was detached from the ambulance district, pay to the ambulance district a fee equal to four-fifths of the amount of revenue that would have been generated during the previous calendar year by the ambulance district tax on the property in the area detached which was formerly a part of the ambulance district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was detached from the ambulance district, pay to the ambulance district a fee equal to three-fifths of the amount of revenue that would have been generated during the previous calendar year by the ambulance district tax on the property in the area detached which was formerly a part of the ambulance district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was detached from the ambulance district, pay to the ambulance district a fee equal to two-fifths of the amount of revenue that would have been generated during the previous calendar year by the ambulance district tax on the property in the area detached which was formerly a part of the ambulance district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was detached from the ambulance district, pay to the ambulance district a fee equal to one-fifth of the amount of revenue that would have been generated during the previous calendar year by the ambulance district tax on the property in the area detached which was formerly a part of the ambulance district.

7. The provisions of this section shall not apply to any county in which a boundary commission has been established under sections 72.400 to 72.423.

192.310. CITY OF ST. CHARLES AND CITIES OF 75,000 OR OVER EXCEPTED FROM SECTIONS 192.260 TO 192.320. — Nothing in sections 192.260 to 192.320 shall apply to any

home rule city with more than sixty-four thousand but fewer than seventy-one thousand inhabitants, or cities which now have, or may hereafter have, a population of seventy-five thousand or over which are maintaining organized health departments; provided, that such cities shall furnish the department of health and senior services reports of contagious, infectious, communicable or dangerous diseases, which have been designated by them as such and such other statistical information as the board may require.

249.424. LATERAL SEWER LINE REPAIR, ANNUAL FEE AUTHORIZED — SUBMITTED TO VOTERS, BALLOT LANGUAGE — FEE MAY BE ADDED TO GENERAL TAX LEVY BILLS. — 1. If approved by a majority of the voters voting on the proposal, and upon the adoption of a resolution by a majority of the sewer district's board of trustees, any sewer district established and organized under this chapter, may levy and impose annually a fee not to exceed thirty-six dollars per year within its boundaries for the repair of lateral sewer service lines on or connecting residential property having six or fewer dwelling units, except that the fee shall not be imposed on property in the sewer district that is located within any city, town, village, or unincorporated area of a county that already imposes a fee under section 249.422. Any sewer district that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or fewer condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association to notify the sewer district that they are not properly classified as provided in this section.

2. The question shall be submitted to the registered voters who reside within the boundaries of the sewer district, excluding any voters who live within the boundaries of any city, town, village, or unincorporated area of a county that already imposes a fee under section 249.422. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed thirty-six dollars be assessed annually on residential property for each lateral sewer service line serving six or fewer dwelling units on that property and condominiums that have six or fewer condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES

NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, any sewer district established and organized under this chapter may, upon the adoption of a resolution by a majority of the sewer district's board of trustees, collect and administer such fee in order to protect the public health, welfare, peace, and safety. The funds collected shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

4. The collector in any county containing a sewer district that adopts a resolution under this section to collect a fee for the repair of lateral sewer service lines may add such

fee to the general tax levy bills of property owners within the boundaries of the sewer district, excluding property located in any city, town, village, or unincorporated area of the county that already imposes a fee under section 249.422. All revenues received on such combined bill for the purpose of providing for the repair of lateral sewer service lines shall be separated from all other revenues so collected and credited to the special account established by the sewer district under subsection 3 of this section.

5. If a city, town, village, or county, which is within the sewer district and imposed a fee under section 249.422, later rescinds such fee after voters authorized the fee provided under this section, the sewer district may submit the question provided under subsection 2 of this section to the registered voters of such city, town, village, or county that have property within the boundaries of the sewer district. If a majority of voters voting on the proposal approve, the sewer district may levy and impose the fee as provided under this section on property within such city, town, village, or county.

262.960. CITATION OF LAW — PROGRAM CREATED, PURPOSE — AGENCIES TO MAKE STAFF AVAILABLE — DUTIES OF DEPARTMENT. — 1. This section shall be known and may be cited as the "Farm-to-School Act".

2. There is hereby created within the department of agriculture the "Farm-to-School Program" to connect Missouri farmers and schools in order to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to strengthen local farming economies. The department shall designate an employee to administer and monitor the farm-to-school program and to serve as liaison between Missouri farmers and schools.

3. The following agencies shall make staff available to the Missouri farm-to-school program for the purpose of providing professional consultation and staff support to assist the implementation of this section:

- (1) The department of health and senior services;
- (2) The department of elementary and secondary education; and
- (3) The office of administration.

4. The duties of the department employee coordinating the farm-to-school program shall include, but not be limited to:

- (1) Establishing and maintaining a website database to allow farmers and schools to connect whereby farmers can enter the locally grown agricultural products they produce along with pricing information, the times such products are available, and where they are willing to distribute such products;
- (2) Providing leadership at the state level to encourage schools to procure and use locally grown agricultural products;
- (3) Conducting workshops and training sessions and providing technical assistance to school food service directors, personnel, farmers, and produce distributors and processors regarding the farm-to-school program; and
- (4) Seeking grants, private donations, or other funding sources to support the farm-to-school program.

262.962. DEFINITIONS — TASK FORCE CREATED, MISSION, DUTIES, REPORT — EXPIRATION DATE. — 1. As used in this section, section 262.960, and subsection 5 of section 348.407, the following terms shall mean:

- (1) "Locally grown agricultural products", food or fiber produced or processed by a small agribusiness or small farm;
- (2) "Schools", includes any school in this state that maintains a food service program under the United States Department of Agriculture and administered by the school;
- (3) "Small agribusiness", a qualifying agribusiness as defined in section 348.400, and located in Missouri with gross annual sales of less than five million dollars;

(4) "Small farm", a family-owned farm or family farm corporation as defined in section 350.010, and located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.

2. There is hereby created a taskforce under the AgriMissouri program established in section 261.230, which shall be known as the "Farm-to-School Taskforce". The taskforce shall be made up of at least one representative from each of the following agencies: the University of Missouri extension service, the department of agriculture, the department of elementary and secondary education, and the office of administration. In addition, the director of the department of agriculture shall appoint two persons actively engaged in the practice of small agribusiness. In addition, the director of the department of elementary and secondary education shall appoint two persons from schools within the state who direct a food service program. One representative for the department of agriculture shall serve as the chairperson for the taskforce and shall coordinate the taskforce meetings. The taskforce shall hold at least two meetings, but may hold more as it deems necessary to fulfill its requirements under this section. Staff of the department of agriculture may provide administrative assistance to the taskforce if such assistance is required.

3. The mission of the taskforce is to provide recommendations for strategies that:

(1) Allow schools to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines; and

(2) Allow schools to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts.

4. In fulfilling its mission under this section, the taskforce shall review various food service contracts of schools within the state to identify standardized language that could be included in such contracts to allow schools to more easily procure and use locally grown agricultural products.

5. The taskforce shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each agency represented on the taskforce by no later than December 31, 2015.

6. In conducting its work, the taskforce may hold public meetings at which it may invite testimony from experts, or it may solicit information from any party it deems may have information relevant to its duties under this section.

7. This section shall expire on December 31, 2015.

304.190. HEIGHT AND WEIGHT REGULATIONS (CITIES OF 75,000 OR MORE) — COMMERCIAL ZONE DEFINED. — 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however:

(1) The commercial zone surrounding a city not within a county shall extend twenty-five miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any county with a charter form of government which adjoins that city and throughout any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;

(2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the western-most freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants;

(4) The commercial zone of a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants shall extend north from the city limits along U.S. Highway 63 for eight miles, and shall extend east from the city limits along State Route WW to the intersection of State Route J and continue south on State Route J for four miles.

4. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated.

6. No motor vehicle engaged in interstate commerce, whether unladen or with load, whose operations in the state of Missouri are limited exclusively to the commercial zone of a first class home rule municipality located in a county with a population between eighty thousand and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height.

321.322. CITIES WITH POPULATION OF 2,500 TO 65,000 WITH FIRE DEPARTMENT, ANNEXING PROPERTY IN A FIRE PROTECTION DISTRICT—RIGHTS AND DUTIES, PROCEDURE—EXCEPTION. — 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property.

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though

inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. [The provisions of this section shall not apply where the annexing city or town operates a city fire department and was on January 1, 2005, a city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely surrounded by a single fire district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418.

5.] The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418.

339.507. REAL ESTATE APPRAISERS COMMISSION AND CHAIRPERSON, APPOINTMENT — TERMS — VACANCIES, MEETINGS — QUORUM — PER DIEM — EXPENSES — ANNUAL REPORT. — 1. There is hereby created within the division of professional registration the "Missouri Real Estate Appraisers Commission", which shall consist of seven members appointed by the governor with the advice and consent of the senate, six of whom shall be appraiser members, and one shall be a public member. Each member shall be a resident of this state and a registered voter for a period of one year prior to the person's appointment. The president of the Missouri Appraiser Advisory Council in office at the time shall, at least ninety days prior to the expiration of the term of the commission member, other than the public member, or as soon as feasible after the vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five appraisers qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Appraiser Advisory Council shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association. The public member shall have never been engaged in the businesses of real estate appraisal, real estate sales or making loans secured by real estate.

2. The real estate appraiser members appointed by the governor shall be Missouri residents who have real estate appraisal experience in the state of Missouri for not less than five years immediately preceding their appointment. Appraiser members of the commission shall be appointed from the registry of state-certified real estate appraisers and state-licensed real estate appraisers. **Real estate appraiser commission members, appointed after August 28, 2014, shall not be from the same United States congressional district.**

3. All members shall be appointed for three-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the commission for any reason shall be filled by appointment by the governor for the unexpired term. Upon expiration of their terms, members of the commission shall continue to hold office until the appointment and qualification of their successors. No more than four members of the commission shall be members of the same political party. No person shall be appointed for more than two consecutive terms. The governor may remove a member for cause.

4. The commission shall meet at least once each calendar quarter to conduct its business. A quorum of the commission shall consist of four members.

5. Each member of the commission shall be entitled to a per diem allowance of fifty dollars for each meeting of the commission at which the member is present and shall be entitled to

reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties. Each member of the commission shall be entitled to reimbursement of travel expenses necessarily incurred in attending meetings of the commission.

6. The commission shall prepare an annual report outlining business conducted by the commission during the previous calendar year and shall submit a copy to the general assembly by April first of each year. The report shall include:

- (1) The number of complaints that were filed against licensees;**
- (2) The number and disposition of investigations conducted by the commission pursuant to the filing of a complaint; and**
- (3) An accounting of all expenditures of the commission.**

339.531. COMPLAINT PROCEDURE — EFFECTIVE DATE. — 1. Any person may file a complaint with the commission alleging that a licensee has committed any combination of the acts or omissions provided in subsection 2 of section 339.532. A complaint shall be in writing and shall be signed by the complainant, but a complainant is not required to specify the provisions of law or regulations alleged to have been violated in the complaint.

2. Upon the receipt of a complaint against a licensee, the commission shall refer the complaint to the probable cause committee. The commission shall appoint a probable cause committee of four members, one of whom shall be a current member of the commission and three members selected by the commission through recommendations provided by the Missouri Appraisers Advisory Council. The probable cause committee shall serve in an advisory capacity to the commission and review complaints and make a recommendation to the commission regarding the disposition of the complaint. The commission shall provide by rule for the selection process, length of committee member terms, and other procedures necessary for the functioning of the committee. No complaints shall be brought before the probable cause committee prior to its creation, appointment of members, and approval of all rules and regulations pursuant to chapter 536.

3. Each complaint shall be considered a grievance until reviewed by the probable cause committee. When a grievance is filed under subsection 1 of this section, a copy shall be provided to the licensee, who shall have ten working days to respond documenting why the grievance may have no merit. If the licensee responds within the allowable time, the probable cause committee shall review the grievance and response. If the probable cause committee determines that the grievance has no merit, the grievance shall be dismissed and no complaint shall be placed on the licensee's record. If the probable cause committee determines that the grievance has merit, it shall present the case to the commission, and the commission shall decide whether or not to proceed with an investigation of the grievance as a complaint. If the commission decides to proceed with an investigation of a complaint, at that time the complaint shall become a part of the licensee's record.

4. When the commission determines to proceed with a complaint against a licensee, the commission shall investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the commission may request the licensee under investigation to:

- (1) Answer the charges made against him or her in writing;**
- (2) Produce relevant documentary evidence pertaining to the specific complaint causing the investigation; and**
- (3) Appear before the commission.**

5. A copy of any written answer of the licensee requested under subsection 4 of this section may be furnished to the complainant, as long as furnishing the written answer does not require disclosure of confidential information under the Uniform Standards of Professional Appraisal Practice.

6. The commission shall notify the complainant and the licensee that an investigation has been commenced within ten working days of the date of the commission's decision to

proceed with a complaint under subsection 4 of this section. The commission shall also notify and inform the complainant and licensee of the status of the investigation every sixty days following the commencement of the investigation. No investigation shall last longer than twelve months. Once an investigation is closed or dismissed it shall not be reopened.

7. In the event that the commission fails to meet the notification and investigation requirements of this section or does not finish the investigation within twelve months, then the commission shall provide the complainant at the commission's expense with an appraisal and an appraisal report of the real estate originally appraised by the licensee under investigation.

8. A real estate appraiser member of the commission shall recuse themselves from any matter in which their knowledge of the parties, circumstances, or subject matter will substantially affect their ability to be fair and impartial.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

10. Nothing in this section shall be construed as limiting or delaying any administrative remedies or actions available through the administrative hearing process.

11. The provisions of this section shall become effective August 28, 2015.

348.407. DEVELOPMENT AND IMPLEMENTATION OF GRANTS AND LOANS — FEE AUTHORITY'S POWERS — ASSISTANCE TO BUSINESSES — RULES. — 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants, and may make loans or guaranteed loans from the grant fund to persons for the creation, development and operation, for up to three years from the time of application approval, of rural agricultural businesses whose projects add value to agricultural products and aid the economy of a rural community.

4. The authority may make loan guarantees to qualified agribusinesses for agricultural business development loans for businesses that aid in the economy of a rural community and support production agriculture or add value to agricultural products by providing necessary products and services for production or processing.

5. **The authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in schools within the state.**

6. The authority may, upon the provision of a fee by the requesting person in an amount to be determined by the authority, provide for a feasibility study of the person's rural agricultural business concept.

[6.] 7. Upon a determination by the authority that such concept is feasible and upon the provision of a fee by the requesting person, in an amount to be determined by the authority, the authority may then provide for a marketing study. Such marketing study shall be designed to determine whether such concept may be operated profitably.

[7.] 8. Upon a determination by the authority that the concept may be operated profitably, the authority may provide for legal assistance to set up the business. Such legal assistance shall include, but not be limited to, providing advice and assistance on the form of business entity, the availability of tax credits and other assistance for which the business may qualify as well as helping the person apply for such assistance.

[8.] 9. The authority may provide or facilitate loans or guaranteed loans for the business including, but not limited to, loans from the United States Department of Agriculture Rural

Development Program, subject to availability. Such financial assistance may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the financial assistance in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

[9.] 10. The authority may provide for consulting services in the building of the physical facilities of the business.

[10.] 11. The authority may provide for consulting services in the operation of the business.

[11.] 12. The authority may provide for such services through employees of the state or by contracting with private entities.

[12.] 13. The authority may consider the following in making the decision:

- (1) The applicant's commitment to the project through the applicant's risk;
- (2) Community involvement and support;
- (3) The phase the project is in on an annual basis;
- (4) The leaders and consultants chosen to direct the project;
- (5) The amount needed for the project to achieve the bankable stage; and
- (6) The [projects] **project's** planning for long-term success through feasibility studies, marketing plans and business plans.

[13.] 14. The department of agriculture, the department of natural resources, the department of economic development and the University of Missouri may provide such assistance as is necessary for the implementation and operation of this section. The authority may consult with other state and federal agencies as is necessary.

[14.] 15. The authority may charge fees for the provision of any service pursuant to this section.

[15.] 16. The authority may adopt rules to implement the provisions of this section.

[16.] 17. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

407.1610. SPECULATIVE ACCUMULATION OF ASPHALT SHINGLES PROHIBITED (ST. LOUIS CITY). — It shall be unlawful for any person or entity to engage in the speculative accumulation of asphalt roofing shingles in any city not within a county. For the purposes of this section, the term "speculative accumulation" means the collection or storage of asphalt shingles without a showing that, during a calendar year, at least seventy-five percent of the material accumulated during the year, either by weight or by volume, will be recycled for other use.

408.040. INTEREST ON JUDGMENTS, HOW REGULATED — PREJUDGMENT INTEREST ALLOWED WHEN, PROCEDURE. — 1. **Judgments shall accrue interest on the judgment balance as set forth in this section. The "judgment balance" is defined as the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits shall be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance.**

2. In all nontort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date judgment is entered by the trial court until satisfaction be made by payment, accord or sale of property; all such judgments and orders for money upon contracts bearing more than nine percent interest shall bear the same interest borne by such contracts, and all other judgments and orders for money shall bear nine percent per annum until satisfaction made as aforesaid.

[2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section, in tort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date [of] judgment is entered by the trial court until full satisfaction. All such judgments and orders for money shall bear a per annum interest rate equal to the intended Federal Funds Rate, as established by the Federal Reserve Board, plus five percent, until full satisfaction is made. The judgment shall state the applicable interest rate, which shall not vary once entered. In tort actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a claim, to the party, parties or their representatives, and to such party's liability insurer if known to the claimant, and the amount of the judgment or order exceeds the demand for payment or offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety days after the demand or offer was received, as shown by the certified mail return receipt, or from the date the demand or offer was rejected without counter offer, whichever is earlier. In order to qualify as a demand or offer pursuant to this section, such demand must:

- (1) Be in writing and sent by certified mail return receipt requested; and
- (2) Be accompanied by an affidavit of the claimant describing the nature of the claim, the nature of any injuries claimed and a general computation of any category of damages sought by the claimant with supporting documentation, if any is reasonably available; and
- (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a list of the names and addresses of medical providers who have provided treatment to the claimant or decedent for such injuries, copies of all reasonably available medical bills, a list of employers if the claimant is seeking damages for loss of wages or earning, and written authorizations sufficient to allow the party, its representatives, and liability insurer if known to the claimant to obtain records from all employers and medical care providers; and
- (4) Reference this section and be left open for ninety days.

Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause of action in circuit court prior to a date one hundred twenty days after the demand or offer was received, then the court shall not award prejudgment interest to the claimant. If the claimant is a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably appears to be qualified to act as next friend or conservator or personal representative. If the claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to section 537.080 to make claim for the death. Nothing contained herein shall limit the right of a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise provided by law or contract.

[3.] 4. In tort actions, a judgment for prejudgment interest awarded pursuant to this [subsection] section should bear interest at a per annum interest rate equal to the intended Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The judgment shall state the applicable interest rate, which shall not vary once entered.

488.305. COURT COSTS — CIRCUIT CLERK, DUTIES — SURCHARGE FOR GARNISHMENT CASES (STATUTORY LIENS). — 1. The clerk of the circuit court shall charge and collect fees for the clerk's duties as prescribed by sections 429.090 and 429.120 in such amounts as are determined pursuant to sections 488.010 to 488.020.

2. **The clerk of the circuit court may charge and collect in cases where a garnishment is granted, a surcharge not to exceed ten dollars for the clerk's duties. Any moneys collected under this subsection shall be placed in a fund to be used at the discretion of the circuit clerk to maintain and improve case processing and record preservation.**

525.040. EFFECT OF NOTICE OF GARNISHMENT — PRIORITY BASED ON DATE OF SERVICE. — 1. Notice of garnishment, served as provided in sections 525.010 to 525.480 shall have the effect of attaching all personal property, money, rights, credits, bonds, bills, notes, drafts, checks or other choses in action of the defendant in the garnishee's possession or charge, or under his **or her** control at the time of the service of the garnishment, or which may come into his **or her** possession or charge, or under his **or her** control, or be owing by him **or her**, between that time and the time of filing his **or her** answer, **or in the case of a continuous wage garnishment, until the judgment is paid in full or until the employment relationship is terminated, whichever occurs first**; but he **or she** shall not be liable to a judgment in money on account of such bonds, bills, notes, drafts, checks or other choses in action, unless the same shall have been converted into money since the garnishment, or he **or she** [fail] **fails**, in such time as the court may prescribe, to deliver them into court, or to the sheriff or other person designated by the court.

2. **Writs of garnishment which would otherwise have equal priority shall have priority according to the date of service on the garnishee. If the employee's wages have been attached by more than one writ of garnishment, the employer shall inform the inferior garnisher of the existence and case number of all senior garnishments.**

525.070. GARNISHEE MAY DISCHARGE HIMSELF, HOW. — Whenever any property, effects, money or debts, belonging or owing to the defendant, shall be confessed, or found by the court or jury, to be in the hands of the garnishee, the garnishee may, at any time before final judgment, discharge himself **or herself**, by paying or delivering the same, or so much thereof as the court shall order, to the sheriff [or], to the court, **or if applicable, to the attorney for the party on whose behalf the order of garnishment was issued**, from all further liability on account of the property, money or debts so paid or delivered.

525.080. GARNISHEE TO DELIVER PROPERTY, OR PAY DEBTS, OR MAY GIVE BOND THEREFOR. — 1. If it appear that a garnishee, at or after his or her garnishment, was possessed of any property of the defendant, or was indebted to him **or her**, the court, or judge in vacation, may order the delivery of such property, or the payment of the amount owing by the garnishee, to the sheriff [or], into court, **or to the attorney for the party on whose behalf the order of garnishment was issued**, at such time as the court may direct; or may permit the garnishee to retain the same, upon his or her executing a bond to the plaintiff, with security, approved by the court, to the effect that the property shall be forthcoming, or the amount paid, as the court may direct. Upon a breach of the obligation of such bond, the plaintiff may proceed against the obligors therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

2. Notwithstanding subsection 1 of this section, when property is protected from garnishment by state or federal law including but not limited to federal restrictions on the garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and Old Age, Survivors and Disability Insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not be delivered to the court, **or to any other person**, by the garnishee to the extent such protection or preemption is applicable.

525.230. GARNISHEE IS A FINANCIAL INSTITUTION, ONE-TIME DEDUCTION PERMITTED, WHEN — PROCEDURE. — [1. The court shall make the garnishee a reasonable allowance] **The garnishee may deduct a one-time sum not to exceed twenty dollars, or the fee previously agreed upon between the garnishee and judgment debtor if the garnishee is a financial institution**, for his or her trouble and expenses in answering the interrogatories **and withholding the funds**, to be [paid out of the funds or proceeds of the property or effects confessed in his or her hands. The reasonable allowances shall include any court costs, attorney's fees and any other bona fide expenses of the garnishee.

2. The court also shall allow the garnishee, in addition to the reasonable allowance for his or her trouble and expenses in answering the interrogatories, to collect an administrative fee

consisting of the greater of eight dollars or two percent of the amount required to be deducted by any court-ordered garnishment or series of garnishments arising out of the same judgment debt. Such fee shall be for the trouble and expenses in administering the notice of garnishment and paying over any garnished funds available to the court. The fee shall be withheld by the employer from the employee, or by any other garnishee from any fund garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against the court-ordered judgment and shall be collected first] **withheld from any funds garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against the court-ordered judgment and shall be collected first. The garnishee may file a motion with the court for additional costs, including attorney's fees, reasonably incurred in answering the interrogatories in which case the court may make such award as it deems reasonable. The motion shall be filed on or before the date the garnishee makes payment or delivers property subject to garnishment to the court.**

525.310. COMPENSATION OF STATE AND MUNICIPAL EMPLOYEES SUBJECT TO GARNISHMENT, PROCEDURE. — 1. [When a judgment has been rendered against an officer, appointee or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the court before whom the judgment was rendered, an application setting forth such facts, and that the judgment debtor is employed by the state, or a municipal corporation or other political subdivision of the state, with the name of the department of state or the municipal corporation or other political subdivision of the state which employs the judgment debtor, and the name of the treasurer, or the name and title of the paying, disbursing or auditing officer of the state, municipal corporation or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing of such application the clerk shall issue a writ of sequestration directed to the sheriff or other officer authorized to execute writs in the county in which such paying, disbursing or auditing officer may be found and the sheriff or other officer to whom the writ is directed shall serve a true copy thereof upon such paying, disbursing or auditing officer named therein, which shall have the effect of attaching any and all salary, wages, fees or earnings of the judgment debtor, which are not made exempt by virtue of the exemption statutes of this state and are not in excess of the amount due on the judgment and costs, then due and payable, from the date of the writ to the return day thereof.

2. The paying, disbursing or auditing officer charged with the duty of payment or audit of the salary, wages, fees or earnings of the judgment debtor shall deliver to the sheriff or officer serving the writ the amount, not to exceed the amount due upon the judgment and costs, of the salary, wages, fees or earnings of the judgment debtor not made exempt by virtue of the exemption statutes of this state, as the same shall become due to the judgment debtor. The paying, disbursing or auditing officer shall pay to the judgment debtor the remaining portion of his salary, wages, fees or earnings, as the same shall become due to the judgment debtor. The sheriff, or officer serving the writ, shall provide to the paying, disbursing or auditing officer along with the writ sufficient information to compute the amount which shall be delivered to the sheriff or officer serving the writ. Neither the state, municipal corporation or other political subdivision of the state, nor the paying, disbursing or auditing officer shall be liable for the payment of any amount above the amount delivered to the sheriff or officer serving the writ if the computation of the amount delivered is in accordance with the information provided with the writ.

3. The sheriff or officer serving such writ shall endorse thereon the day and date he received the same, and upon receiving any amount in connection with the writ, shall issue his receipt to such paying, disbursing or auditing officer therefor. All amounts delivered to the sheriff, or officer serving said writ, in connection with the writ, or so much thereof as shall be necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the same manner as in the case of garnishment under execution. The sheriff or other officer serving

the writ shall make his return to the writ showing the manner of serving the same, and he shall be allowed the same fees therefor as provided for levy of execution, and the writ shall be returnable in the same manner as the execution issued out of the court in which the judgment was rendered. Nothing in this section shall deprive the judgment debtor of any exemptions to which he may be entitled under the exemption laws of this state, and the same may be claimed by him to the sheriff or other officer serving the writ at any time on or before the return day of the writ in the manner provided under the exemption laws of this state. It shall be the duty of such sheriff or other officer serving the writ, at the time of the service thereof, to apprise the judgment debtor of his exemption rights, either in person or by registered letter directed to the judgment debtor to his last known address.] **The state, municipal, or other political subdivision employer served with a garnishment shall have the same duties and obligations as those imposed upon a private employer when served with a garnishment.**

2. Pay of any officer, appointee, or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, shall be subject to garnishment to the same extent as in any other garnishment. All garnishments against such employee shall proceed in the same manner as any other garnishment.

3. Service of legal process to which a department, municipal corporation, or other political subdivision of the state is subject under this section may be accomplished by personal service upon the paying, disbursing, or auditing officer of the state, municipal corporation or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees, or earnings of such employees.

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this act shall become effective on January 15, 2015.

Approved July 8, 2014

SB 680 [HCS SCS SB 680]

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

Modifies the eligibility requirements for food stamp assistance

AN ACT to repeal sections 208.024 and 208.027, RSMo, and to enact in lieu thereof six new sections relating to public assistance benefits.

SECTION

- A. Enacting clause.
- 208.018. Farmer's markets, SNAP participants, pilot program to purchase fresh food — requirements — sunset provision.
- 208.024. TANF benefits, prohibited purchases, where — definitions — EBT benefit account suspended temporarily, when.
- 208.027. TANF recipients, screening for illegal use of controlled substances, test to be used — positive test or refusal to be tested, administrative proceeding — reporting requirements — other household members to continue to receive benefits, when — rulemaking authority.
- 208.141. Donor human breast milk, hospital eligible for reimbursement, when — rulemaking authority.
- 208.238. Eligibility, automated process to check applicants and recipients.
- 208.247. Food stamp eligibility, felony conviction not to make ineligible, when.

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

SECTION A. ENACTING CLAUSE. — Sections 208.024 and 208.027, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 208.018, 208.024, 208.027, 208.141, 208.238, and 208.247, to read as follows:

208.018. FARMER'S MARKETS, SNAP PARTICIPANTS, PILOT PROGRAM TO PURCHASE FRESH FOOD — REQUIREMENTS — SUNSET PROVISION. — 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term "farmers' market" shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.024. TANF BENEFITS, PROHIBITED PURCHASES, WHERE — DEFINITIONS — EBT BENEFIT ACCOUNT SUSPENDED TEMPORARILY, WHEN. — 1. Eligible recipients of temporary assistance for needy families (TANF) or **supplementary nutrition assistance program (SNAP)** benefits shall not use such funds in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place **for the purchase of alcoholic beverages, lottery tickets, or tobacco products** or for any item [that is] **the department determines by rule is** primarily marketed for or used by adults eighteen or older [and/or] **and** is not in the best interests of the child or household. An eligible recipient of TANF or SNAP assistance who makes a purchase in violation of this section shall reimburse the department of social services for such purchase.

2. An individual, store owner or proprietor of an establishment shall not **knowingly** accept TANF cash assistance or **supplementary nutrition assistance program (SNAP)** funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets, or tobacco products or for use in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place **for the purchase of alcoholic beverages, lottery tickets, or tobacco products** or for any item [that is] **the department determines by rule is primarily marketed for or used by adults eighteen or older [and/or] and is not in the best interests of the child or household.** **No store owner or proprietor of any liquor store, casino, gambling casino, gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment shall adopt any policy, either explicitly or implicitly, which encourages, permits, or acquiesces in its employees knowingly accepting electronic benefit transfer cards in violation of this section.** **This section shall not be construed to require any store owner or proprietor of an establishment which is not a liquor store, casino, gambling casino, gaming establishment, or retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment to check the source of payment from every individual who purchases alcoholic beverages, lottery tickets, tobacco products, or any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household.** An individual, store owner or proprietor of an establishment who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than five hundred dollars for the first offense, a fine of not less than five hundred dollars nor more than one thousand dollars for the second offense, and a fine of not less than one thousand dollars for the third or subsequent offense.

3. **Any recipient of TANF or SNAP benefits who does not make at least one electronic benefit transfer transaction within the state for a period of ninety days shall have his or her benefit payments to the electronic benefit account temporarily suspended, pending an investigation by the department of social services to determine if the recipient is no longer a Missouri resident. If the department finds that the recipient is no longer a Missouri resident, it shall close the recipient's case. Closure of a recipient's case shall trigger the automated benefit eligibility process under section 208.238. A recipient may appeal the closure of his or her case to the director under section 208.080.**

4. **A recipient who does not make an electronic benefit transfer transaction within the state for a period of sixty days shall be provided notice of the possibility of the suspension of funds if no electronic benefit transfer transaction occurs in the state within another thirty days after the date of the notice.**

5. For purposes of this section:

(1) The following terms shall mean:

(a) "Electronic benefit transfer transaction", the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service; and

(b) "Liquor store", any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

(2) Casinos, gambling casinos, or gaming establishments shall not include:

(a) A grocery store which sells groceries including staple foods, and which also offers, or is located within the same building or complex as a casino, gambling, or gaming activities; or

(b) Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

208.027. TANF RECIPIENTS, SCREENING FOR ILLEGAL USE OF CONTROLLED SUBSTANCES, TEST TO BE USED — POSITIVE TEST OR REFUSAL TO BE TESTED, ADMINISTRATIVE PROCEEDING — REPORTING REQUIREMENTS — OTHER HOUSEHOLD MEMBERS TO CONTINUE TO RECEIVE BENEFITS, WHEN — RULEMAKING AUTHORITY. — 1. The department of social services shall develop a program to screen each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the department has reasonable cause to believe, based on the screening **or other information**, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, or who refuses to submit to a test, shall[, after an administrative hearing conducted by the department under the provisions of chapter 536,] be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the **positive test, test refusal, or administrative hearing decision, if requested by the applicant or recipient under subsection 2 of this section**, unless such applicant or recipient, after having been referred by the department, enters and successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the six-month period beginning on the date of entry into such rehabilitation or treatment program. The applicant or recipient shall continue to receive benefits while participating in the treatment program. The department may test the applicant or recipient for illegal drug use at random or set intervals, at the department's discretion, after such period. If the applicant or recipient tests positive for the use of illegal drugs a second time, then such applicant or recipient shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the **positive test, test refusal, or administrative hearing decision, if requested by the applicant or recipient under subsection 2 of this section**. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health.

2. An applicant or recipient who is found to have tested positive or who refuses to submit to a test under subsection 1 of this section may request that an administrative hearing be conducted by the department under the provisions of section 208.080, and if requested, such hearing shall be conducted.

3. Case workers of applicants or recipients shall be required to report or cause a report to be made to the children's division in accordance with the provisions of sections 210.109 to 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker has knowledge that:

(1) An applicant or recipient has tested positive for the illegal use of a controlled substance; or

(2) An applicant or recipient has refused to be tested for the illegal use of a controlled substance.

[3.] **4.** Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

[4.] **5.** The department of social services shall promulgate rules to develop the screening and testing provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, [2011] **2014**, shall be invalid and void.

208.141. DONOR HUMAN BREAST MILK, HOSPITAL ELIGIBLE FOR REIMBURSEMENT, WHEN — RULEMAKING AUTHORITY. — 1. The department of social services shall reimburse a hospital for prescribed medically necessary donor human breast milk provided to a MO HealthNet participant if:

- (1) The participant is an infant under the age of three months;
- (2) The participant is critically ill;
- (3) The participant is in the neonatal intensive care unit of the hospital;
- (4) A physician orders the milk for the participant;
- (5) The department determines that the milk is medically necessary for the participant;
- (6) The parent or guardian signs and dates an informed consent form indicating the risks and benefits of using banked donor human milk; and
- (7) The milk is obtained from a donor human milk bank that meets the quality guidelines established by the department.

2. An electronic web-based prior authorization system using the best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need.

3. The department shall promulgate rules for the implementation of this section, including setting forth rules for the required documentation by the physician and the informed consent to be provided to and signed by the parent or guardian of the participant. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable, and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

208.238. ELIGIBILITY, AUTOMATED PROCESS TO CHECK APPLICANTS AND RECIPIENTS. — The department of social services shall implement an automated process to ensure applicants applying for benefit programs are eligible for such programs. The automated process shall be designed to periodically review current beneficiaries to ensure that they remain eligible for benefits they are receiving. The system shall check applicant and recipient information against multiple sources of information through an automated process. If the automated process shows the recipient is no longer eligible for one benefit program, the department shall determine what other benefit programs shall be closed to the recipient.

208.247. FOOD STAMP ELIGIBILITY, FELONY CONVICTION NOT TO MAKE INELIGIBLE, WHEN. — 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty or nolo contendere to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:

- (1) Meets one of the following criteria:
 - (a) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health; or
 - (b) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to

a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity; or

(c) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse; or

(d) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment; and

(2) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole; and

(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense after release from custody or, if not committed to custody, such person does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense, within one year after the date of conviction. Such a plea or conviction within the first year after conviction shall immediately disqualify the person for the exemption; and

(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the participant.

2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant shall meet all other factors for program eligibility.

3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section including specifying criteria for determining active participation in and completion of a substance abuse treatment program.

4. The exemption under this section shall not apply to an individual who has pled guilty or nolo contendere to or is found guilty of two subsequent felony offenses involving possession or use of a controlled substance after the date of the first controlled substance felony conviction.

Approved June 20, 2014

SB 689 [SB 689]

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

Expands the types of packages in which malt liquor may be sold pursuant to a permit for the sale of malt liquor in the original package

AN ACT to repeal section 311.200, RSMo, and to enact in lieu thereof one new section relating to the sale of intoxicating liquor in the original package, with an effective date.

SECTION

A. Enacting clause.

311.200. Licenses — retail liquor dealers — fees — applications.

B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Section 311.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.200, to read as follows:

SB 690 [SB 690]

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

Specifies that a Greene County emergency telephone service board is not a political subdivision unless the county commissioners adopt an order reclassifying the board as such

AN ACT to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency service boards.

SECTION

- A. Enacting clause.
- 190.335. Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax — collection, limitations — adoption of alternate tax, telephone tax to expire, when — board appointment and election, qualification, terms — continuation of board in Greene County — board appointment in Christian, Taney, and St. Francois counties.
- 190.339. Emergency services board, powers and duties — officers — removal of board members, reasons, hearing procedure — vacancies — employment by board, limitations.

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

SECTION A. ENACTING CLAUSE. — Sections 190.335 and 190.339, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 190.335 and 190.339, to read as follows:

190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE COUNTY — BOARD APPOINTMENT IN CHRISTIAN, TANEY, AND ST. FRANCOIS COUNTIES. — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes

cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the

date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339. **Such boards which existed prior to August 25, 2010 shall not be considered a body corporate and a political subdivision of the state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the county in which such board is established reclassifying such board as a corporate body and political subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the operation of the emergency service 911 system to the new entity created by the reclassification of the board.**

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

190.339. EMERGENCY SERVICES BOARD, POWERS AND DUTIES — OFFICERS — REMOVAL OF BOARD MEMBERS, REASONS, HEARING PROCEDURE — VACANCIES — EMPLOYMENT BY BOARD, LIMITATIONS. — 1. The powers and duties of the emergency services board shall include, but not be limited to:

- (1) Planning a 911 system and dispatching system;
- (2) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems;
- (3) Receiving money from any county sales tax authorized to be levied pursuant to section 190.335 and authorizing disbursements from such moneys collected;
- (4) Hiring any staff necessary for the implementation, upgrade or operation of the system.

2. **Except for emergency services 911 boards in existence prior to August 25, 2010 and operating under the authority of subsection 11 of section 190.335,** the board shall be a body corporate and a political subdivision of the state and shall be known as the "..... Emergency Services Board".

3. The administrative control and management of the moneys from any county sales tax authorized to be levied pursuant to section 190.335 and the administrative control and management of the central dispatching of emergency services shall rest solely with the board, and the board shall employ all necessary personnel, affix their compensation and provide suitable quarters and equipment for the operation of the central dispatching of emergency services from the funds available for this purpose.

4. The board may contract to provide services relating in whole or in part to central dispatching of emergency services and for such purpose may expend the tax funds or other funds.

5. The board shall elect a vice chairman, treasurer, secretary and such other officers as it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount to be determined and in a form to be approved by the board for the faithful performance of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors.

6. The board may accept any gift of property or money for the use and benefit of the central dispatching of emergency services, and the board is authorized to sell or exchange any such property which it believes would be to the benefit of the service so long as the proceeds are used exclusively for central dispatching of emergency services. The board shall have exclusive control of all gifts, property or money it may accept; of all interest of other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county on behalf of the central dispatching of emergency services; and of all other funds granted, appropriated or loaned to it by the federal government, the state or its political subdivisions so long as such resources are used solely to benefit the central dispatching of emergency services.

7. Any board member may, following notice and an opportunity to be heard, be removed from any office by a majority vote of the other members of the board for any of the following reasons:

- (1) Failure to attend five consecutive meetings, without good cause;
- (2) Conduct prejudicial to the good order and efficient operation of the central dispatching of emergency services; or
- (3) Neglect of duty.

8. The chairperson of the board shall preside at such removal hearing, unless the chairperson is the person sought to be removed, in which case the hearing shall be presided over by another member elected by a majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn in by oath or affirmation before testifying. Any interested party may, at his or her own expense, record the proceedings.

9. Vacancies on the board occasioned by removals, resignations or otherwise, shall be filled by the remaining members of the board. The appointee or appointees shall act until the next election at which a director or directors are elected to serve the remainder of the unexpired term.

10. Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board.

11. No person shall be employed by the board who is related within the fourth degree by blood or by marriage to any member of the board.

Approved June 23, 2014

SB 691 [HCS SS SB 691]

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

Modifies insurance policy cancellation and reinstatement requirements and allows homeowner insurance companies to offer sinkhole coverage

AN ACT to repeal sections 375.003 and 379.118, RSMo, and to enact in lieu thereof three new sections relating to certain personal lines policy provisions.

SECTION

- A. Enacting clause.
- 375.003. Notice of cancellation, how given — reinstatement, when.
- 379.118. Notice of cancellation and renewals, due when — reinstatement, when.
- 379.827. Sinkhole loss policies authorized.

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

SECTION A. ENACTING CLAUSE. — Sections 375.003 and 379.118, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 375.003, 379.118, and 379.827, to read as follows:

375.003. NOTICE OF CANCELLATION, HOW GIVEN — REINSTATEMENT, WHEN. — 1. **Except as provided in subsection 2 of this section,** no notice of cancellation of a policy to which section 375.002 applies shall be effective unless mailed or delivered by the insurer to the named insured at least thirty days prior to the effective date of cancellation. [However,]

2. Where cancellation is for nonpayment of premium at least ten days' notice of cancellation shall be given **and such notice shall contain the following notice or notice substantially similar in bold conspicuous type: "THIS POLICY IS CANCELLED EFFECTIVE AT THE DATE AND TIME INDICATED IN THIS NOTICE. THIS IS THE FINAL NOTICE OF CANCELLATION WE WILL SEND PRIOR TO THE EFFECTIVE DATE AND TIME OF CANCELLATION INDICATED IN THIS NOTICE."**

3. The notice shall state the insurer's actual reason for proposing the action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", or "poor morals" shall not suffice to meet the requirements of this subsection. The notice shall also state that the insured may be eligible for insurance through the Missouri basic property insurance inspection and placement program.

4. **Issuance of a notice of cancellation under subsection 1 or 2 of this section constitutes a present and unequivocal act of cancellation of the policy.**

5. **An insurer may reinstate a policy cancelled under subsection 1 or 2 of this section at any time after the notice of cancellation is issued if the reason for the cancellation is remedied. An insurer may send communications to the insured, including but not limited to billing notices for past due premium, offers to reinstate the policy if past due premium is paid, notices confirming cancellation of the policy, or billing notices for payment of earned but unpaid premium. The fact that a policy may be so reinstated or any such communication may be made does not invalidate or void any cancellation effectuated under subsection 1 or 2 of this section or defeat the present and unequivocal nature of acts of cancellation as described under subsection 4 of this section.**

[2.] 6. This section shall not apply to nonrenewal.

379.118. NOTICE OF CANCELLATION AND RENEWALS, DUE WHEN — REINSTATEMENT, WHEN. — 1. If any insurer proposes to cancel or to refuse to renew a policy of automobile insurance delivered or issued for delivery in this state except at the request of the named insured or for nonpayment of premium, it shall, on or before thirty days prior to the proposed effective date of the action, send written notice by certificate of mailing of its intended action to the named insured at his last known address. **Where cancellation is for nonpayment of premium at least ten days' notice of cancellation shall be given and such notice shall contain the following notice or substantially similar in bold conspicuous type: "THIS POLICY IS CANCELLED EFFECTIVE AT THE DATE AND TIME INDICATED IN THIS NOTICE. THIS IS THE FINAL NOTICE OF CANCELLATION WE WILL SEND PRIOR TO THE EFFECTIVE DATE AND TIME OF CANCELLATION INDICATED IN THIS NOTICE."** The notice shall state:

- (1) The [proposed] action [to be] taken;
- (2) The [proposed] effective date of the action;
- (3) The insurer's actual reason for [proposing to take] **taking** such action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;
- (4) That the insured may be eligible for insurance through the assigned risk plan if his insurance is to be cancelled.

2. Issuance of a notice of cancellation under subsection 1 of this section constitutes a present and unequivocal act of cancellation of the policy.

3. An insurer may reinstate a policy cancelled under subsection 1 of this section at any time after the notice of cancellation is issued if the reason for the cancellation is remedied. An insurer may send communications to the insured, including but not limited to billing notices for past due premium, offers to reinstate the policy if past due premium is paid, notices confirming cancellation of the policy, or billing notices for payment of earned but unpaid premium. The fact that a policy may be so reinstated or any such communication may be made does not invalidate or void any cancellation effectuated under subsection 1 of this section or defeat the present and unequivocal nature of acts of cancellation as described under subsection 2 of this section.

4. An insurer shall send an insured written notice of an automobile policy renewal at least fifteen days prior to the effective date of the new policy. The notice shall be sent by first class mail or may be sent electronically if requested by the policyholder, and shall contain the insured's name, the vehicle covered, the total premium amount, and the effective date of the new policy. Any request for electronic delivery of renewal notices shall be designated on the application form signed by the applicant, made in writing by the policyholder, or made in accordance with sections 432.200 to 432.295. The insurer shall comply with any subsequent request by a policyholder to rescind authorization for electronic delivery and to elect to receive renewal notices by first class mail. Any delivery of a renewal notice by electronic means shall not constitute notice of cancellation of a policy even if such notice is included with the renewal notice.

379.827. SINKHOLE LOSS POLICIES AUTHORIZED. — 1. As used in this section, the term "sinkhole loss" means actual physical damage to a building or property arising out of sudden settlement or collapse of the earth supporting the building, and only when the sudden settlement or collapse results directly from subterranean voids created by the action of water on limestone or similar rock formation and is evidenced by:

- (1) The abrupt collapse of the ground cover;
- (2) A depression in the ground cover clearly visible to the naked eye;
- (3) Structural damage to the covered building, including the foundation; and
- (4) The insured structure is uninhabitable, which is evidenced by an order of condemnation by a governmental agency authorized to issue such an order for that structure, where applicable.

2. Upon application, beginning January 1, 2015, the plan may issue a policy exclusively for sinkhole loss on habitational property owned by the applicant in accordance with this section to supplement the applicant's primary coverage for loss on such property issued by an insurer authorized to do business in this state. Coverage shall be only for habitational structures and shall not cover driveways or nonhabitational detached structures. Contents coverage shall apply only if there is covered sinkhole loss on the habitational structure in which the contents were located. Sinkhole coverage under this section shall not include loss for the value of the land or for the costs associated with filling a sinkhole.

3. The provisions of section 379.810 to 379.880 shall apply to policies issued under this section; however the plan may establish specific procedures designed to expedite approval for policies covering sinkhole loss and premiums charged therefor shall be based only on the risk for sinkhole loss applicable to such property. The plan may establish specific claims investigation procedures for sinkhole losses necessary to determine whether any claimed loss was the result of sinkhole activity rather than due to some other form of earth subsidence not covered under the policy.

Approved July 10, 2014

SB 701 [SB 701]

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

Allows school districts to share a superintendent who possesses a valid Missouri's superintendent's license

AN ACT to repeal sections 160.522 and 348.407, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education.

SECTION

- A. Enacting clause.
- 160.522. School accountability report card for each school district, purpose — standard form, contents — distribution of report card information.
- 168.205. Superintendent, school districts may share, when.
- 262.960. Citation of law — program created, purpose — agencies to make staff available — duties of department.
- 262.962. Definitions — task force created, mission, duties, report — expiration date.
- 348.407. Development and implementation of grants and loans — fee authority's powers — assistance to businesses — rules.
 - 1. Career and technical education programs, districts not penalized under school improvement program, when — revision of scoring.

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

SECTION A. ENACTING CLAUSE. — Sections 160.522 and 348.407, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.522, 168.205, 262.960, 262.962, 348.407, and 1, to read as follows:

160.522. SCHOOL ACCOUNTABILITY REPORT CARD FOR EACH SCHOOL DISTRICT, PURPOSE — STANDARD FORM, CONTENTS — DISTRIBUTION OF REPORT CARD INFORMATION. — 1. The department of elementary and secondary education shall produce or cause to be produced, at least annually, a school accountability report card for each public school district, each public school building in a school district, and each charter school in the state. The report card shall be designed to satisfy state and federal requirements for the disclosure of statistics about students, staff, finances, academic achievement, and other indicators. The purpose of the report card shall be to provide educational statistics and accountability information for parents, taxpayers, school personnel, legislators, and the print and broadcast news media in a standardized, easily accessible form.

2. The department of elementary and secondary education shall develop a standard form for the school accountability report card. The information reported shall include, but not be limited to, the district's most recent accreditation rating, enrollment, rates of pupil attendance, high school dropout rate and graduation rate, the number and rate of suspensions of ten days or

longer and expulsions of pupils, the district ratio of students to administrators and students to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as measured through the assessment system developed pursuant to section 160.518, student scores on the ACT, along with the percentage of graduates taking the test, average teachers' and administrators' salaries compared to the state averages, average per pupil current expenditures for the district as a whole and by attendance center as reported to the department of elementary and secondary education, the adjusted tax rate of the district, assessed valuation of the district, percent of the district operating budget received from state, federal, and local sources, the percent of students eligible for free or reduced-price lunch, data on the percent of students continuing their education in postsecondary programs, information about the job placement rate for students who complete district vocational education programs, whether the school district currently has a state-approved gifted education program, and the percentage and number of students who are currently being served in the district's state-approved gifted education program.

3. The report card shall permit the disclosure of data on a school-by-school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. The report card shall identify each school or attendance center that has been identified as a priority school under sections 160.720 and 161.092. The report also shall identify attendance centers that have been categorized under federal law as needing improvement or requiring specific school improvement strategies.

5. The report card shall not limit or discourage other methods of public reporting and accountability by local school districts. Districts shall provide information included in the report card to parents, community members, the print and broadcast news media, and legislators by December first annually or as soon thereafter as the information is available to the district, giving preference to methods that incorporate the reporting into substantive official communications such as student report cards. The school district shall provide a printed copy of the district-level or school-level report card to any patron upon request and shall make reasonable efforts to supply businesses such as, but not limited to, real estate and employment firms with copies or other information about the reports so that parents and businesses from outside the district who may be contemplating relocation have access.

6. For purposes of completing and distributing the annual report card as prescribed in this section 160.522, a school district may include the data from a charter school located within such school district, provided the local board of education or special administrative board for such district and the charter school reach mutual agreement for the inclusion of the data from the charter schools and the terms of such agreement are approved by the state board of education. The charter school shall not be required to be a part of the local educational agency of such school district and may maintain a separate local educational agency status.

168.205. SUPERINTENDENT, SCHOOL DISTRICTS MAY SHARE, WHEN. — Notwithstanding any provision of law to the contrary, two or more school districts may share a superintendent who possesses a valid Missouri superintendent's license. If any school districts choose to share a superintendent, they shall not be required to receive approval from the department of elementary and secondary education but may notify the department.

262.960. CITATION OF LAW — PROGRAM CREATED, PURPOSE — AGENCIES TO MAKE STAFF AVAILABLE — DUTIES OF DEPARTMENT. — 1. This section shall be known and may be cited as the "Farm-to-School Act".

2. There is hereby created within the department of agriculture the "Farm-to-School Program" to connect Missouri farmers and schools in order to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to

strengthen local farming economies. The department shall designate an employee to administer and monitor the farm-to-school program and to serve as liaison between Missouri farmers and schools.

3. The following agencies shall make staff available to the Missouri farm-to-school program for the purpose of providing professional consultation and staff support to assist the implementation of this section:

- (1) The department of health and senior services;
- (2) The department of elementary and secondary education; and
- (3) The office of administration.

4. The duties of the department employee coordinating the farm-to-school program shall include, but not be limited to:

- (1) Establishing and maintaining a website database to allow farmers and schools to connect whereby farmers can enter the locally grown agricultural products they produce along with pricing information, the times such products are available, and where they are willing to distribute such products;
- (2) Providing leadership at the state level to encourage schools to procure and use locally grown agricultural products;
- (3) Conducting workshops and training sessions and providing technical assistance to school food service directors, personnel, farmers, and produce distributors and processors regarding the farm-to-school program; and
- (4) Seeking grants, private donations, or other funding sources to support the farm-to-school program.

262.962. DEFINITIONS — TASK FORCE CREATED, MISSION, DUTIES, REPORT — EXPIRATION DATE. — 1. As used in this section, section 262.960, and subsection 5 of section 348.707, the following terms shall mean:

- (1) "Locally grown agricultural products", food or fiber produced or processed by a small agribusiness or small farm;
- (2) "Schools", includes any school in this state that maintains a food service program under the United States Department of Agriculture and administered by the school;
- (3) "Small agribusiness", as defined in section 348.400, and located in Missouri with gross annual sales of less than five million dollars;
- (4) "Small farm", a family-owned farm or family farm corporation as defined in section 350.010, and located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.

2. There is hereby created a taskforce under the AgriMissouri program established in section 261.230, which shall be known as the "Farm-to-School Taskforce". The taskforce shall be made up of at least one representative from each of the following agencies: the University of Missouri extension service, the department of agriculture, the department of elementary and secondary education, and the office of administration. In addition, the director of the department of agriculture shall appoint two persons actively engaged in the practice of small agribusiness. In addition, the director of the department of elementary and secondary education shall appoint two persons from schools within the state who direct a food service program. One representative for the department of agriculture shall serve as the chairperson for the taskforce and shall coordinate the taskforce meetings. The taskforce shall hold at least two meetings, but may hold more as it deems necessary to fulfill its requirements under this section. Staff of the department of agriculture may provide administrative assistance to the taskforce if such assistance is required.

3. The mission of the taskforce is to provide recommendations for strategies that:

- (1) Allow schools to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines; and

(2) Allow schools to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts.

4. In fulfilling its mission under this section, the taskforce shall review various food service contracts of schools within the state to identify standardized language that could be included in such contracts to allow schools to more easily procure and use locally grown agricultural products.

5. The taskforce shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each agency represented on the taskforce by no later than December 31, 2015.

6. In conducting its work, the taskforce may hold public meetings at which it may invite testimony from experts, or it may solicit information from any party it deems may have information relevant to its duties under this section.

7. This section shall expire on December 31, 2015.

348.407. DEVELOPMENT AND IMPLEMENTATION OF GRANTS AND LOANS — FEE AUTHORITY'S POWERS — ASSISTANCE TO BUSINESSES — RULES. — 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants, and may make loans or guaranteed loans from the grant fund to persons for the creation, development and operation, for up to three years from the time of application approval, of rural agricultural businesses whose projects add value to agricultural products and aid the economy of a rural community.

4. The authority may make loan guarantees to qualified agribusinesses for agricultural business development loans for businesses that aid in the economy of a rural community and support production agriculture or add value to agricultural products by providing necessary products and services for production or processing.

5. The authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in schools within the state.

6. The authority may, upon the provision of a fee by the requesting person in an amount to be determined by the authority, provide for a feasibility study of the person's rural agricultural business concept.

[6.] 7. Upon a determination by the authority that such concept is feasible and upon the provision of a fee by the requesting person, in an amount to be determined by the authority, the authority may then provide for a marketing study. Such marketing study shall be designed to determine whether such concept may be operated profitably.

[7.] 8. Upon a determination by the authority that the concept may be operated profitably, the authority may provide for legal assistance to set up the business. Such legal assistance shall include, but not be limited to, providing advice and assistance on the form of business entity, the availability of tax credits and other assistance for which the business may qualify as well as helping the person apply for such assistance.

[8.] 9. The authority may provide or facilitate loans or guaranteed loans for the business including, but not limited to, loans from the United States Department of Agriculture Rural Development Program, subject to availability. Such financial assistance may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the financial assistance in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

[9.] 10. The authority may provide for consulting services in the building of the physical facilities of the business.

[10.] 11. The authority may provide for consulting services in the operation of the business.

[11.] **12.** The authority may provide for such services through employees of the state or by contracting with private entities.

[12.] **13.** The authority may consider the following in making the decision:

- (1) The applicant's commitment to the project through the applicant's risk;
- (2) Community involvement and support;
- (3) The phase the project is in on an annual basis;
- (4) The leaders and consultants chosen to direct the project;
- (5) The amount needed for the project to achieve the bankable stage; and
- (6) The [projects] **project's** planning for long-term success through feasibility studies, marketing plans and business plans.

[13.] **14.** The department of agriculture, the department of natural resources, the department of economic development and the University of Missouri may provide such assistance as is necessary for the implementation and operation of this section. The authority may consult with other state and federal agencies as is necessary.

[14.] **15.** The authority may charge fees for the provision of any service pursuant to this section.

[15.] **16.** The authority may adopt rules to implement the provisions of this section.

[16.] **17.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

SECTION 1. CAREER AND TECHNICAL EDUCATION PROGRAMS, DISTRICTS NOT PENALIZED UNDER SCHOOL IMPROVEMENT PROGRAM, WHEN — REVISION OF SCORING. —

1. Notwithstanding any provision of law to the contrary, no district shall be penalized for any reason under the Missouri school improvement program if students who graduate from the district complete career and technical education programs approved by the department of elementary and secondary education but are not placed in occupations directly related to their training within six months of graduating.

2. The department of elementary and secondary education shall revise its scoring guide under the Missouri school improvement program to provide additional points to districts that create and enter into a partnership with area career centers, comprehensive high schools, industry, and business to develop and implement a pathway for students to:

- (1) Enroll in a program of career and technical education while in high school;**
- (2) Participate and complete an internship or apprenticeship during their final year of high school; and**
- (3) Obtain the industry certification or credentials applicable to their program or career and technical education and internship or apprenticeship.**

3. Each school district shall be authorized to create and enter into a partnership with area career centers, comprehensive high schools, industry, and business to develop and implement a pathway for students to:

- (1) Enroll in a program of career and technical education while in high school;**
- (2) Participate and complete an internship or apprenticeship during their final year of high school; and**
- (3) Obtain the industry certification or credentials applicable to their program or career and technical education and internship or apprenticeship.**

4. The department of elementary and secondary education shall permit student scores, that are from a nationally recognized examination that demonstrates achievement of workplace employability skills, to count towards credit for college and career readiness standards on the Missouri school improvement program or any subsequent school accreditation or improvement program.

Approved July 9, 2014

SB 706 [SS SCS SB 706]

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

Prohibits bad faith assertions of patent infringement

AN ACT to amend chapter 416, RSMo, by adding thereto five new sections relating to bad faith assertions of patent infringement.

SECTION

- A. Enacting clause.
- 416.650. Definitions
- 416.652. Demand letters, no bad faith assertions of patent infringement — factors court may consider.
- 416.654. Cause of action available to targets of bad faith assertions.
- 416.656. Attorney general's authority — awards credited to antitrust revolving fund, when.
- 416.658. Other remedies not limited — inapplicability of act, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 416, RSMo, is amended by adding thereto five new sections, to be known as sections 416.650, 416.652, 416.654, 416.656, and 416.658, to read as follows:

416.650. DEFINITIONS — For purposes of sections 416.650 to 416.658, the following terms shall mean:

- (1) "Demand letter", a letter, email, or other communication asserting or claiming that a target has engaged in patent infringement, but shall not include a petition filed in a court of appropriate jurisdiction;
- (2) "Target", an end user who purchases, rents, leases, or otherwise obtains a product or service in the commercial market that is not for resale and that is, or later becomes, the subject of a patent infringement allegation.

416.652. DEMAND LETTERS, NO BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT — FACTORS COURT MAY CONSIDER. — 1. No person shall make a bad faith assertion of patent infringement in a demand letter.

2. A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement in a demand letter:

- (1) The demand letter does not contain the following information:
 - (a) The patent number;
 - (b) The name and address of the patent owner or owners and assignee or assignees, if any; and
 - (c) Factual allegations concerning the specific areas in which the target's products, services, or technology infringe the patent or are covered by the claims in the patent;
- (2) The demand letter lacks the information described in subdivision (1) of this subsection, the target requests the information, and the person fails to provide the information within a reasonable period of time;

(3) The demand letter demands payment of a license fee or response within an unreasonably short period of time;

(4) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license;

(5) The person, company, or any of its subsidiaries or affiliates has previously presented a demand letter claiming or asserting patent infringement of the same patent under substantially the same circumstances, and a court has entered a final judgment that the demand letter presented a bad faith assertion of patent infringement;

(6) The person attempted to enforce the claim of patent infringement in litigation, and a court found the claim to be brought in bad faith; and

(7) Any other factor the court finds relevant.

3. A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in subdivision (1) of subsection 2 of this section;

(2) If the demand letter lacks the information described in subdivision (1) of subsection 2 of this section and the target requests the information, the person provides the information within a reasonable period of time;

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy;

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent;

(5) The person is:

(a) The inventor or joint inventor holding the patent or in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(b) An institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education;

(6) The person has:

(a) Demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(b) Successfully enforced the patent or a substantially similar patent through litigation; and

(7) Any other factor the court finds relevant.

416.654. CAUSE OF ACTION AVAILABLE TO TARGETS OF BAD FAITH ASSERTIONS. — If one or more persons or entities believe they have been a target of a bad faith assertion of patent infringement in a demand letter, those persons or entities shall have a private right to a cause of action as follows:

(1) An action based on a violation or violations of section 416.652 to enjoin such violation or violations;

(2) An action based on a violation or violations of section 416.652 to recover actual monetary loss from such a violation or violations, or, to receive ten thousand dollars in damages for each such violation, whichever is greater; and

(3) Upon any successful action under this section to recover their attorney's fees.

416.656. ATTORNEY GENERAL'S AUTHORITY — AWARDS CREDITED TO ANTITRUST REVOLVING FUND, WHEN. — 1. The attorney general's authority under this chapter to investigate, restrain, and prosecute civil actions under the Missouri antitrust law shall apply to investigating and prosecuting actions under sections 416.650 to 416.658.

2. In an action brought by the attorney general under this chapter the court may award or impose any relief available to a person under sections 416.650 to 416.658.

3. Monetary awards or settlements recovered by the attorney general, aside from awards to a target, may be credited to the antitrust revolving fund and be similarly available for the payment of all costs and expenses incurred by the attorney general in investigation, prosecution, or enforcement of the provisions of sections 416.650 to 416.658.

416.658. OTHER REMEDIES NOT LIMITED — INAPPLICABILITY OF ACT, WHEN. — 1. Sections 416.650 to 416.658 shall not be construed to limit the rights or remedies available to any person or the state under any other law with regard to conduct involving assertions of patent infringement provided that it shall not be an unfair or deceptive trade practice for any person who owns or has the right to license or enforce a patent to notify another of that ownership or right of license or enforcement, to notify another that the patent is available for license or sale, to notify another of the infringement of that patent under the provisions of Title 35 of the United States Code, or to seek compensation on account of a past or present infringement, or for a license, when it is reasonable to believe that the person from whom compensation is sought may owe such compensation.

2. The provisions of sections 416.650 to 416.658 shall not apply to a demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. Section 271(e)(2) or 42 U.S.C. Section 262.

Approved July 8, 2014

SB 716 [CCS#2 HCS SCS SB 716]

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

Modifies provisions relating to public health

AN ACT to repeal sections 174.335, 195.070, 334.035, 334.735, 338.010, 376.1363, and 630.167, RSMo, and to enact in lieu thereof sixteen new sections relating to public health.

SECTION

- A. Enacting clause.
- 174.335. Meningococcal disease, all on-campus students to be vaccinated — exemption, when — records to be maintained.
- 191.761. Umbilical cord blood samples, department to provide courier service to nonprofit umbilical cord blood bank — rulemaking authority.
- 191.990. Diabetes goals and benchmarks — report, contents.
- 191.1140. Treatment of chronic, common, and complex diseases, program authorized, purpose.
- 195.070. Who may prescribe.
- 197.168. Influenza vaccination offered to certain inpatients prior to discharge.
- 208.662. Program established as CHIPs program — eligibility — coverage — report, content — program not entitlement.
- 334.035. Application for permanent license, postgraduate training requirement.
- 334.036. Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements.
- 334.037. Assistant physicians, collaborative practice arrangements, requirements — rulemaking authority — identification badges required, when — prescriptive authority.
- 334.735. Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
- 338.010. Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — report.
- 376.1363. Utilization review decisions, procedures.
- 630.167. Investigation of report, when made, by whom — abuse prevention by removal, procedure — reports confidential, privileged, exceptions — immunity of reporter, notification — retaliation prohibited — administrative discharge of employee, appeal procedure.

1. Assistant physicians, program to serve in medically underserved areas, requirements — fund created — grant eligibility — rulemaking authority.
2. Interaction between physical and mental health, guidelines for screening and assessment of persons receiving services — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 174.335, 195.070, 334.035, 334.735, 338.010, 376.1363, and 630.167, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 174.335, 191.761, 191.990, 191.1140, 195.070, 197.168, 208.662, 334.035, 334.036, 334.037, 334.735, 338.010, 376.1363, 630.167, 1, and 2, to read as follows:

174.335. MENINGOCOCCAL DISEASE, ALL ON-CAMPUS STUDENTS TO BE VACCINATED — EXEMPTION, WHEN — RECORDS TO BE MAINTAINED. — 1. Beginning with the 2004-2005 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to [sign a written waiver stating that the institution of higher education has provided the student, or if the student is a minor, the student's parents or guardian, with detailed written information on the risks associated with meningococcal disease and the availability and effectiveness of] **have received** the meningococcal vaccine **unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334, indicating that the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.**

2. [Any student who elects to receive the meningococcal vaccine shall not be required to sign a waiver referenced in subsection 1 of this section and shall present a record of said vaccination to the institution of higher education.

3.] Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college[, including any written waivers executed pursuant to subsection 1 of this section].

[4.] **3.** Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

191.761. UMBILICAL CORD BLOOD SAMPLES, DEPARTMENT TO PROVIDE COURIER SERVICE TO NONPROFIT UMBILICAL CORD BLOOD BANK — RULEMAKING AUTHORITY. — **1.** Beginning July 1, 2015, the department of health and senior services shall provide a courier service to transport collected, donated umbilical cord blood samples to a nonprofit umbilical cord blood bank located in a city not within a county in existence as of the effective date of this section. The collection sites shall only be those facilities designated and trained by the blood bank in the collection and handling of umbilical cord blood specimens.

2. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

191.990. DIABETES GOALS AND BENCHMARKS —REPORT, CONTENTS. — 1. The MO HealthNet division and the department of health and senior services shall collaborate to coordinate goals and benchmarks in each agency's plans to reduce the incidence of diabetes in Missouri, improve diabetes care, and control complications associated with diabetes.

2. The MO HealthNet division and the department of health and senior services shall submit a report to the general assembly by January first of each odd-numbered year on the following:

(1) The prevalence and financial impact of diabetes of all types on the state of Missouri. Items in this assessment shall include an estimate of the number of people with diagnosed and undiagnosed diabetes, the number of individuals with diabetes impacted or covered by the agency programs addressing diabetes, the financial impact of diabetes, and its complications on Missouri based on the most recently published cost estimates for diabetes;

(2) An assessment of the benefits of implemented programs and activities aimed at controlling diabetes and preventing the disease;

(3) A description of the level of coordination existing between the agencies, their contracted partners, and other stakeholders on activities, programs, and messaging on managing, treating, or preventing all forms of diabetes and its complications;

(4) The development or revision of detailed action plans for battling diabetes with a range of actionable items for consideration by the general assembly. The plans shall identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications. The plan also shall identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing diabetes; and

(5) The development of a detailed budget blueprint identifying needs, costs, and resources required to implement the plan identified in subdivision (4) of this subsection. This blueprint shall include a budget range for all options presented in the plan identified in subdivision (4) of this subsection for consideration by the general assembly.

3. The requirements of subsections 1 and 2 of this section shall be limited to diabetes information, data, initiatives, and programs within each agency prior to the effective date of this section, unless there is unobligated funding for diabetes in each agency that may be used for new research, data collection, reporting, or other requirements of subsections 1 and 2 of this section.

191.1140. TREATMENT OF CHRONIC, COMMON, AND COMPLEX DISEASES, PROGRAM AUTHORIZED, PURPOSE. — 1. Subject to appropriations, the University of Missouri shall manage the "Show-Me Extension for Community Health Care Outcomes (ECHO) Program". The department of health and senior services shall collaborate with the University of Missouri in utilizing the program to expand the capacity to safely and effectively treat chronic, common, and complex diseases in rural and underserved areas of the state and to monitor outcomes of such treatment.

2. The program is designed to utilize current telehealth technology to disseminate knowledge of best practices for the treatment of chronic, common, and complex diseases from a multidisciplinary team of medical experts to local primary care providers who will deliver the treatment protocol to patients, which will alleviate the need of many patients to travel to see specialists and will allow patients to receive treatment more quickly.

3. The program shall utilize local community health care workers with knowledge of local social determinants as a force multiplier to obtain better patient compliance and improved health outcomes.

195.070. WHO MAY PRESCRIBE. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, **or an assistant physician in accordance with section 334.037** or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

197.168. INFLUENZA VACCINATION OFFERED TO CERTAIN INPATIENTS PRIOR TO DISCHARGE. — Each year between October first and March first and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, each hospital licensed under this chapter shall offer, prior to discharge and with the approval of the attending physician or other practitioner authorized to order vaccinations or as authorized by physician-approved hospital policies or protocols for influenza vaccinations pursuant to state hospital regulations, immunizations against influenza virus to all inpatients sixty-five years of age and older unless contraindicated for such patient and contingent upon the availability of the vaccine.

208.662. PROGRAM ESTABLISHED AS CHIPS PROGRAM — ELIGIBILITY — COVERAGE — REPORT, CONTENT — PROGRAM NOT ENTITLEMENT. — 1. There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after the effective date of this section, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, pre-term births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state.

334.035. APPLICATION FOR PERMANENT LICENSE, POSTGRADUATE TRAINING REQUIREMENT. — Except as otherwise provided in section 334.036, every applicant for a permanent license as a physician and surgeon shall provide the board with satisfactory evidence of having successfully completed such postgraduate training in hospitals or medical or osteopathic colleges as the board may prescribe by rule.

334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS. —

1. For purposes of this section, the following terms shall mean:

- (1) "Assistant physician", any medical school graduate who:
 - (a) Is a resident and citizen of the United States or is a legal resident alien;
 - (b) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination within the two-year period immediately preceding application for licensure as an assistant physician, but in no event more than three years after graduation from a medical college or osteopathic medical college;
 - (c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding two-year period unless when such two-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and
 - (d) Has proficiency in the English language;
- (2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;
- (3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

334.037. ASSISTANT PHYSICIANS, COLLABORATIVE PRACTICE ARRANGEMENTS, REQUIREMENTS — RULEMAKING AUTHORITY — IDENTIFICATION BADGES REQUIRED, WHEN — PRESCRIPTIVE AUTHORITY. — 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational

methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent assistant physicians. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not

authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017 when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered

by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services.

(2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
 - (2) Performing physical examinations of a patient;
 - (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
 - (4) Performing routine therapeutic procedures;
 - (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
 - (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
 - (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
 - (8) Assisting in surgery;
 - (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
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(10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; **except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet provider while acting under a supervision agreement between the physician and physician assistant.**

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — REPORT. — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under

21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria, tetanus, pertussis**, and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria, tetanus, pertussis**, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536

and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

(1) The identity of the patient;

(2) The identity of the vaccine or vaccines administered;

(3) The route of administration;

(4) The anatomic site of the administration;

(5) The dose administered; and

(6) The date of administration.

376.1363. UTILIZATION REVIEW DECISIONS, PROCEDURES. — 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, "enrollee" includes the representative of an enrollee.

2. For initial determinations, a health carrier shall make the determination within [two working days] **thirty-six hours, which shall include one working day**, of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review

determination. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the initial certification, and provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within two working days of making the initial certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone or electronically within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of a telephone or electronic notification to the enrollee and the provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone or electronically the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after telephone or electronic notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone or electronically the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider within one working day of a telephone or electronic notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier's determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, the instructions for initiating an appeal or reconsideration of the determination, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, to any party who received notice of the adverse determination and who requests such information.

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

630.167. INVESTIGATION OF REPORT, WHEN MADE, BY WHOM — ABUSE PREVENTION BY REMOVAL, PROCEDURE — REPORTS CONFIDENTIAL, PRIVILEGED, EXCEPTIONS — IMMUNITY OF REPORTER, NOTIFICATION — RETALIATION PROHIBITED — ADMINISTRATIVE DISCHARGE OF EMPLOYEE, APPEAL PROCEDURE. — 1. Upon receipt of a report the department or the department of health and senior services, if such facility or program is licensed pursuant to chapter 197, shall initiate an investigation within twenty-four hours. **The department of mental health shall complete all investigations within sixty days, unless good cause for the failure to complete the investigation is documented.**

2. If the investigation indicates possible abuse or neglect of a patient, resident or client, the investigator shall refer the complaint together with the investigator's report to the department director for appropriate action. If, during the investigation or at its completion, the department

has reasonable cause to believe that immediate removal from a facility not operated or funded by the department is necessary to protect the residents from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the residents in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident for a period not to exceed thirty days.

3. (1) Except as otherwise provided in this section, reports referred to in section 630.165 and the investigative reports referred to in this section shall be confidential, shall not be deemed a public record, and shall not be subject to the provisions of section 109.180 or chapter 610. Investigative reports pertaining to abuse and neglect shall remain confidential until a final report is complete, subject to the conditions contained in this section. Final reports of substantiated abuse or neglect issued on or after August 28, 2007, are open and shall be available for release in accordance with chapter 610. The names and all other identifying information in such final substantiated reports, including diagnosis and treatment information about the patient, resident, or client who is the subject of such report, shall be confidential and may only be released to the patient, resident, or client who has not been adjudged incapacitated under chapter 475, the custodial parent or guardian parent, or other guardian of the patient, resident or client. The names and other descriptive information of the complainant, witnesses, or other persons for whom findings are not made against in the final substantiated report shall be confidential and not deemed a public record. Final reports of unsubstantiated allegations of abuse and neglect shall remain closed records and shall only be released to the parents or other guardian of the patient, resident, or client who is the subject of such report, patient, resident, or client and the department vendor, provider, agent, or facility where the patient, resident, or client was receiving department services at the time of the unsubstantiated allegations of abuse and neglect, but the names and any other descriptive information of the complainant or any other person mentioned in the reports shall not be disclosed unless such complainant or person specifically consents to such disclosure. Requests for final reports of substantiated or unsubstantiated abuse or neglect from a patient, resident or client who has not been adjudged incapacitated under chapter 475 may be denied or withheld if the director of the department or his or her designee determines that such release would jeopardize the person's therapeutic care, treatment, habilitation, or rehabilitation, or the safety of others and provided that the reasons for such denial or withholding are submitted in writing to the patient, resident or client who has not been adjudged incapacitated under chapter 475. All reports referred to in this section shall be admissible in any judicial proceedings or hearing in accordance with section 621.075 or any administrative hearing before the director of the department of mental health, or the director's designee. All such reports may be disclosed by the department of mental health to law enforcement officers and public health officers, but only to the extent necessary to carry out the responsibilities of their offices, and to the department of social services, and the department of health and senior services, and to boards appointed pursuant to sections 205.968 to 205.990 that are providing services to the patient, resident or client as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents or clients provided that all such law enforcement officers, public health officers, department of social services' officers, department of health and senior services' officers, and boards shall be obligated to keep such information confidential.

(2) Except as otherwise provided in this section, the proceedings, findings, deliberations, reports and minutes of committees of health care professionals as defined in section 537.035 or mental health professionals as defined in section 632.005 who have the responsibility to evaluate, maintain, or monitor the quality and utilization of mental health services are privileged and shall not be subject to the discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible into evidence into any judicial or administrative action for failure to provide adequate or appropriate care. Such committees may exist, either within department facilities or its agents, contractors, or vendors, as applicable. Except as

otherwise provided in this section, no person who was in attendance at any investigation or committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding or to disclose any opinion, recommendation or evaluation of the committee or board or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before any committee or in the course of any investigation, nor is any member, employee or agent of such committee or other person appearing before it to be prevented from testifying as to matters within their personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about the testimony or other proceedings before any investigation or before any committee.

(3) Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from investigation committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards; provided, however, that such information, once obtained by such board and associated persons, shall be governed in accordance with the provisions of this subsection.

(4) Nothing in this section shall limit authority otherwise provided by law in subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044 and the entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this section shall serve to negate assurances that have been given by the governor of Missouri to the U.S. Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services concerning access to records by the agency designated as the protection and advocacy system for the state of Missouri. However, such information, once obtained by such entity or agency, shall be governed in accordance with the provisions of this subsection.

4. [Anyone] **Any person** who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil liability for making such a report or for testifying unless such person acted in bad faith or with malicious purpose.

5. (1) Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

(2) For investigations alleging neglect of a patient, resident, or client, the guardian of such patient, resident, or client shall be notified of:

(a) The investigation and given an opportunity to provide information to the investigators;

(b) The results of the investigation within five working days of the completion of the investigation and decision of the department of mental health of the results of the investigation.

6. The department of mental health shall obtain two independent reviews of all patient, resident, or client deaths that it investigates.

7. No person who directs or exercises any authority in a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he or she has reasonable cause to believe has been committed or has occurred.

[7.] **8.** Any person who is discharged as a result of an administrative substantiation of allegations contained in a report of abuse or neglect may, after exhausting administrative

remedies as provided in chapter 36, appeal such decision to the circuit court of the county in which such person resides within ninety days of such final administrative decision. The court may accept an appeal up to twenty-four months after the party filing the appeal received notice of the department's determination, upon a showing that:

- (1) Good cause exists for the untimely commencement of the request for the review;
- (2) If the opportunity to appeal is not granted it will adversely affect the party's opportunity for employment; and
- (3) There is no other adequate remedy at law.

SECTION 1. ASSISTANT PHYSICIANS, PROGRAM TO SERVE IN MEDICALLY UNDERSERVED AREAS, REQUIREMENTS — FUND CREATED — GRANT ELIGIBILITY — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Assistant physician", a person licensed to practice under section 334.036 in a collaborative practice arrangement under section 334.037;

(2) "Department", the department of health and senior services;

(3) "Medically underserved area":

(a) An area in this state with a medically underserved population;

(b) An area in this state designated by the United States secretary of health and human services as an area with a shortage of personal health services;

(c) A population group designated by the United States secretary of health and human services as having a shortage of personal health services;

(d) An area designated under state or federal law as a medically underserved community; or

(e) An area that the department considers to be medically underserved based on relevant demographic, geographic, and environmental factors;

(4) "Primary care", physician services in family practice, general practice, internal medicine, pediatrics, obstetrics, or gynecology;

(5) "Start-up money", a payment made by a county or municipality in this state which includes a medically underserved area for reasonable costs incurred for the establishment of a medical clinic, ancillary facilities for diagnosing and treating patients, and payment of physicians, assistant physicians, and any support staff.

2. (1) The department shall establish and administer a program under this section to increase the number of medical clinics in medically underserved areas. A county or municipality in this state that includes a medically underserved area may establish a medical clinic in the medically underserved area by contributing start-up money for the medical clinic and having such contribution matched wholly or partly by grant moneys from the medical clinics in medically underserved areas fund established in subsection 3 of this section. The department shall seek all available moneys from any source whatsoever, including, but not limited to, healthcare foundations to assist in funding the program.

(2) A participating county or municipality that includes a medically underserved area may provide start-up money for a medical clinic over a two-year period. The department shall not provide more than one hundred thousand dollars to such county or municipality in a fiscal year unless the department makes a specific finding of need in the medically underserved area.

(3) The department shall establish priorities so that the counties or municipalities which include the neediest medically underserved areas eligible for assistance under this section are assured the receipt of a grant.

3. (1) There is hereby created in the state treasury the "Medical Clinics in Medically Underserved Areas Fund", which shall consist of any state moneys appropriated, gifts, grants, donations, or any other contribution from any source for such purpose. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and,

upon appropriation, money in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. To be eligible to receive a matching grant from the department, a county or municipality that includes a medically underserved area shall:

(1) Apply for the matching grant; and

(2) Provide evidence satisfactory to the department that it has entered into an agreement or combination of agreements with a collaborating physician or physicians for the collaborating physician or physicians and assistant physician or assistant physicians in accordance with a collaborative practice arrangement under section 334.037 to provide primary care in the medically underserved area for at least two years.

5. The department shall promulgate rules necessary for the implementation of this section, including rules addressing:

(1) Eligibility criteria for a medically underserved area;

(2) A requirement that a medical clinic utilize an assistant physician in a collaborative practice arrangement under section 334.037;

(3) Minimum and maximum county or municipality contributions to the start-up money for a medical clinic to be matched with grant moneys from the state;

(4) Conditions under which grant moneys shall be repaid by a county or municipality for failure to comply with the requirements for receipt of such grant moneys;

(5) Procedures for disbursement of grant moneys by the department;

(6) The form and manner in which a county or municipality shall make its contribution to the start-up money; and

(7) Requirements for the county or municipality to retain interest in any property, equipment, or durable goods for seven years including, but not limited to, the criteria for a county or municipality to be excused from such retention requirement.

SECTION 2. INTERACTION BETWEEN PHYSICAL AND MENTAL HEALTH, GUIDELINES FOR SCREENING AND ASSESSMENT OF PERSONS RECEIVING SERVICES — RULEMAKING AUTHORITY. — 1. The department of mental health shall develop guidelines for the screening and assessment of persons receiving services from the department that address the interaction between physical and mental health to ensure that all potential causes of changes in behavior or mental status caused by or associated with a medical condition are assessed.

2. The provisions of this section shall only apply to state owned or operated facilities and not to long-term care facilities licensed under chapter 198, hospitals licensed under chapter 197, or hospitals as defined in section 197.020.

3. The department of mental health shall promulgate rules to administer this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

Approved July 10, 2014

SB 719 [SB 719]

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

Modifies the laws relating to school purchases

AN ACT to repeal sections 105.454, 171.181, 177.011, and 177.088, RSMo, and to enact in lieu thereof four new sections relating to school purchases, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 105.454. Additional prohibited acts by certain elected and appointed public officials and employees, exceptions.
- 171.181. Preference given Missouri products in making purchase — certain seven-director school districts, board member selling to district prohibited, exceptions, penalty.
- 177.011. Title and control of school property — inapplicability to community college districts.
- 177.088. Facilities and equipment may be obtained by agreements, procedure.

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

SECTION A. ENACTING CLAUSE. — Sections 105.454, 171.181, 177.011, and 177.088, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 105.454, 171.181, 177.011, and 177.088, to read as follows:

105.454. ADDITIONAL PROHIBITED ACTS BY CERTAIN ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES, EXCEPTIONS. — **1.** No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or five thousand dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or five thousand dollars per year, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for

the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

2. No elected or appointed official or employee of any school district shall perform a service or sell, rent, or lease any property to the school district for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

171.181. PREFERENCE GIVEN MISSOURI PRODUCTS IN MAKING PURCHASE — CERTAIN SEVEN-DIRECTOR SCHOOL DISTRICTS, BOARD MEMBER SELLING TO DISTRICT PROHIBITED, EXCEPTIONS, PENALTY. — In making purchases, the school board, officer, or employee of any school district shall give preference to all commodities, manufactured, mined, produced or grown within the state and to all firms, corporations or individuals doing business as Missouri firms, corporations, or individuals, when quality and price are approximately the same; provided, however, that any board member, officer or employee of a seven-director school district, [any portion of which is located in a first class county, selling or providing such commodities to the school district shall be guilty of a class A misdemeanor and shall forfeit his position with the school district and provided further that any board member, officer or employee of a seven-director school district,] any portion of which is located in a county of the **first**, second, third, or fourth class, selling or providing such commodities to the school district except as provided in sections 105.450 to 105.458 shall be guilty of a class A misdemeanor and shall forfeit his position with the school district.

177.011. TITLE AND CONTROL OF SCHOOL PROPERTY — INAPPLICABILITY TO COMMUNITY COLLEGE DISTRICTS. — 1. The title of all schoolhouse sites and other school property is vested in the district in which the property is located, or if the directors of both school districts involved agree, a school district may own property outside of the boundaries of the district and operate upon such property for school purposes; provided that, such property may only be used for school purposes for students residing in the school district owning such property or students who are enrolled in such school district as part of a court-ordered desegregation plan.

All property leased or rented for school purposes shall be wholly under the control of the school board during such time. **With the exception of lease agreements entered into under the provisions of section 177.088**, no board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district.

2. Notwithstanding the provisions of section 178.770, the provisions of this section shall not apply to community college districts. Nothing in this subsection shall be construed to impair the duty and authority of the coordinating board for higher education to approve academic programs under section 173.005.

177.088. FACILITIES AND EQUIPMENT MAY BE OBTAINED BY AGREEMENTS, PROCEDURE.—1. As used in this section, the following terms shall mean:

(1) "Board", the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) "Educational institution", any school district, including all community college districts, and any state college or university organized under chapter 174.

2. The board of any educational institution may enter into agreements as authorized in this section [with a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355,] in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease [from the corporation] sites, buildings, facilities, furnishings and equipment [which the corporation has] acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, [to the corporation] any existing sites [owned by the educational institution], together with any existing buildings and facilities thereon, in order [for the corporation] to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and [then] lease back or purchase such sites, buildings and facilities [from the corporation]; provided that upon selling or leasing the sites, buildings or facilities, [the corporation agrees to enter into a lease for] **any lease back to the educational institution is not more than one year [but] in length, and** with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that [the corporation agrees] **there is an agreement** to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued [by the corporation] to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property [to a not-for-profit corporation] pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned [to the corporation].

5. The board may make rental payments [to the corporation] under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued [by a corporation] to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites,

buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued [by a corporation] shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations [of the corporation] and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned [by a corporation] in connection with any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements [with the corporation] necessary or convenient in connection with any project pursuant to this section. [The corporation shall comply with sections 290.210 to 290.340.]

9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. [Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011 for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11.] Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031 beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031 as a result of the transfer of title.

[12.] 11. Notwithstanding provisions of this section to the contrary, the board of education of any school district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease-purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may

wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed.

Approved July 9, 2014

SB 723 [SCS SB 723]

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

Raises the cap on the amount of revenue bonds that may be issued by the Board of Public Buildings

AN ACT to repeal sections 8.420 and 8.665, RSMo, and to enact in lieu thereof two new sections relating to revenue bonds.

SECTION

- A. Enacting clause.
- 8.420. Revenue bonds, form, effect, interest rates — approval by committee on legislative research — limitation on issuance of bonds for certain purposes (Callaway County).
- 8.665. Board to determine rate, not to exceed fifteen percent, and maturity date — bonds may be either serial or term — limitation.

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

SECTION A. ENACTING CLAUSE. — Sections 8.420 and 8.665, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 8.420 and 8.665, to read as follows:

8.420. REVENUE BONDS, FORM, EFFECT, INTEREST RATES — APPROVAL BY COMMITTEE ON LEGISLATIVE RESEARCH — LIMITATION ON ISSUANCE OF BONDS FOR CERTAIN PURPOSES (CALLAWAY COUNTY). — 1. Bonds issued under and pursuant to the provisions of sections 8.370 to 8.450 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. The board shall not issue revenue bonds pursuant to the provisions of sections 8.370 to 8.450 for one or more projects, as defined in section 8.370, in excess of a total par value of [seven] **one billion one** hundred seventy-five million dollars.

7. Any bonds which may be issued pursuant to the provisions of sections 8.370 to 8.450 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.380 shall be given only in accordance with this provision. For the purposes of approval of a project, the total amount of bonds issued for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

8. Any bonds which may be issued due to the increase of the cap amount in subsection 6 of this section occurring on August 28, 2014, shall not be issued for construction of new buildings and shall only be used for repair or renovation of existing buildings and facilities, except that bonds may be issued for the construction of a new mental health facility in any county of the first classification with more than forty thousand but fewer than fifty thousand inhabitants and with a home rule city with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants as the county seat.

8.665. BOARD TO DETERMINE RATE, NOT TO EXCEED FIFTEEN PERCENT, AND MATURITY DATE — BONDS MAY BE EITHER SERIAL OR TERM — LIMITATION. — 1. Bonds issued under and pursuant to the provisions of sections 8.660 to 8.670 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. The board shall not issue revenue bonds pursuant to the provisions of sections 8.660 to 8.670 for one or more projects, as defined in section 8.660, in excess of a total par value of [one] **three** hundred seventy million dollars.

7. Any bonds which may be issued pursuant to the provisions of sections 8.660 to 8.670 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.661 shall be given only in accordance with this provision. For the purposes of approval of a project, the total amount of bonds issued for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

8. The provisions of sections 8.660 to 8.670 shall terminate upon the satisfaction of all outstanding bonds, notes and obligations issued pursuant to such sections. The commissioner

of the office of administration shall notify the revisor of statutes when all outstanding bonds, notes, and obligations have been satisfied.

9. Any bonds which may be issued due to the increase of the cap amount in subsection 6 of this section occurring on August 28, 2014, shall not be issued for construction of new buildings and shall only be used for repair or renovation of existing buildings and facilities.

Approved July 9, 2014

SB 729 [CCS SCS SB 729]

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

Creates a tax credit for donations to Innovation Campuses

AN ACT to repeal sections 135.305, 135.710, and 137.010, RSMo, and to enact in lieu thereof five new sections relating to taxation.

SECTION

- A. Enacting clause.
- 135.305. Eligibility — amount of tax credit.
- 135.710. Tax credit authorized, procedure — director of revenue duties — rulemaking authority — sunset provision.
- 137.010. Definitions.
- 620.750. Grants authorized, qualified rural regional development groups, duties — grant procedure — use of grant moneys — report — rulemaking authority.
- 620.2600. Tax credit authorized — definitions — eligibility — rulemaking authority — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Sections 135.305, 135.710, and 137.010, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 135.305, 135.710, 137.010, 620.750, and 620.2600, to read as follows:

135.305. ELIGIBILITY — AMOUNT OF TAX CREDIT. — A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2020. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311 unless an appropriation is made for such tax credits.**

135.710. TAX CREDIT AUTHORIZED, PROCEDURE — DIRECTOR OF REVENUE DUTIES — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens;

(2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas, **or CNG**;
- (d) Liquefied natural gas, **or LNG**;
- (e) Liquefied petroleum gas, **or LP gas, propane, or autogas**;
- (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- (g) Hydrogen;

[2] (3) "Department", the department of [natural resources] **economic development**;

(4) **"Electric vehicle recharging property", property in this state owned by an eligible applicant and used for recharging electric motor vehicles owned by such eligible applicant or private citizens;**

[3] (5) "Eligible applicant", a business entity **or private citizen** that is the owner of [a qualified] **an electric vehicle recharging property or an alternative fuel vehicle refueling property**;

(6) **"Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years;**

[4] (7) "Qualified [alternative fuel vehicle refueling] property", [property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens] **an electric vehicle recharging property or an alternative fuel vehicle refueling property** which, if constructed after August 28, [2008] **2014**, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

- (a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;
- (b) Construction of such facility; and
- (c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply[;]

(5) "Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years[.].

2. For all tax years beginning on or after January 1, [2009] **2015**, but before January 1, [2012] **2018**, any eligible applicant who installs and operates a qualified [alternative fuel vehicle refueling] property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the [refueling] **qualified property**. The credit allowed in this section per **eligible applicant who is a private citizen shall not exceed fifteen hundred dollars or per eligible applicant that is a business entity** shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment **or any recharging equipment** on any qualified [alternative fuel vehicle refueling] property, which shall not include the following:

- (1) Costs associated with the purchase of land upon which to place a qualified [alternative fuel vehicle refueling] property;
- (2) Costs associated with the purchase of an existing qualified [alternative fuel vehicle refueling] property; or
- (3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing **or recharging** facilities were placed in service at a qualified [alternative fuel vehicle refueling] property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed [the following amounts:

- (1) In taxable year 2009, three million dollars;
- (2) In taxable year 2010, two million dollars; and
- (3) In taxable year 2011,] one million dollars **in any calendar year, subject to appropriations.**

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. [An alternative fuel vehicle refueling] **Any qualified** property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel **or recharge electric vehicles** shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the [alternative fuel vehicle refueling] **qualified** property ceased to sell alternative fuel **or recharge electric vehicles** and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel **or recharging of electric vehicles** ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

9. [Pursuant to] **The provisions of** section 23.253 of the Missouri sunset act **notwithstanding:**

- (1) The provisions of the new program authorized under this section shall automatically sunset [six] **three** years after [August 28, 2008] **December 31, 2014**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset [twelve] **six** years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; **and**

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

137.010. DEFINITIONS. — The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation **or storage** of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, **propane or LP gas equipment**, water, and sewage;

(5) "Tangible personal property" includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

620.750. GRANTS AUTHORIZED, QUALIFIED RURAL REGIONAL DEVELOPMENT GROUPS, DUTIES — GRANT PROCEDURE — USE OF GRANT MONEYS — REPORT — RULEMAKING AUTHORITY. — **1. The department of economic development, subject to an appropriation not to exceed five million dollars each fiscal year, shall develop and implement rural regional development grants as provided in this section.**

2. Rural regional development grants may be provided to qualified rural regional development groups. After the award of a grant, the group shall:

(1) Track and monitor job creation and investment in the region using quantitative measures that measure progress toward preestablished goals;

(2) Establish a process for enrolling commercial and industrial development sites in the region in the state-certified sites program or maintain a list of state-certified commercial and industrial development sites in the region;

(3) Measure the skills of the region's workforce;

(4) Provide an organizational chart demonstrating that private businesses and local governmental and educational officials are involved in the group; and

(5) Provide documentation of the group's financial activities for the current year.

3. A rural regional development group shall not qualify for a rural regional development grant if:

(1) The group's region includes a county or portion of another state outside the state of Missouri; or

(2) The group maintains an operating budget greater than two hundred fifty thousand dollars.

4. Applications for rural regional development grants shall only be submitted for a rural regional development group by a regional planning commission created under chapter 251 or other legally created regional planning commission. A regional planning commission may submit applications on behalf of more than one rural regional development group, except that a regional planning commission shall not submit an application on behalf of a group that the regional planning commission does not recognize as the economic development authority for the county that the authority represents.

5. The regional planning commission may charge an application fee for the grants developed under this section. The regional planning commission shall be allowed to claim reimbursement from the grant recipient for actual costs of administering the grants.

6. A single grant shall not exceed one hundred fifty thousand dollars. Each of the nineteen regions of the state represented by a regional planning commission created under chapter 251 or other legally created regional planning commission shall not receive more than two grants per region annually.

7. Grants provided under this section shall be distributed based on a rural regional development group's years in operation. The eligible amount shall be:

(1) For a group in operation two years or more on a matching basis of three dollars of state funds for every one dollar of funds provided or raised by the rural regional development group, including the value of in-kind services, supplies, or equipment;

(2) For groups in operation less than two years on a matching basis of one dollar of state funds for every one dollar of funds provided or raised by the rural regional development group, including the value of in-kind services, supplies, or equipment.

8. Uses for the grants may include, but are not limited to, the following activities:

(1) Workforce development activities, such as evaluation and education;

(2) Entrepreneurship training for pre-venture and existing businesses;

(3) Development of regional marketing techniques and activities;

(4) International trade training for new-to-export businesses in the region;

(5) In-depth market research and financial analysis for businesses in the region;

(6) Demographic and market opportunity research to assist regional planning commissions in developing their comprehensive economic development strategy.

9. The grant recipient shall annually report to the governor; the director of the department of economic development; the senate committee on commerce, consumer protection and the environment; the house committee on economic development and any successor committees thereto, the allocation of the grants and the purposes for which the funding was used.

10. The department of economic development may promulgate rules governing the award of grants under this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of

the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

620.2600. TAX CREDIT AUTHORIZED — DEFINITIONS — ELIGIBILITY — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. This section shall be known and may be cited as the "Innovation Campus Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Certificate", a tax credit certificate issued under this section;

(2) "Department", the Missouri department of economic development;

(3) "Eligible donation", donations received from a taxpayer by innovation campuses that are to be used solely for projects that advance learning in the areas of science, technology, engineering, and mathematics. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that shall be valued and documented according to the rules promulgated by the department of economic development;

(4) "Innovation education campus" or "innovation campus", as defined in section 178.1100;

(5) "Taxpayer", any of the following individuals or entities who make an eligible donation to any innovation campus:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivisions of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. For all taxable years beginning on or after January 1, 2015, any taxpayer shall be allowed a credit against the taxes otherwise due under chapters 147, 148, or 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, an innovation campus may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the innovation campus has submitted the following items:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the taxpayer making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the innovation campus; and

(3) Payment from the innovation campus equal to the value of the tax credit for which application is made.

If the innovation campus applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

6. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire six years after the effective date of this act unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved July 7, 2014

SB 734 [SB 734]

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

Allows members of electric cooperatives to participate in certain meetings by mail or electronic means

AN ACT to repeal section 394.120, RSMo, and to enact in lieu thereof one new section relating to electric cooperatives.

SECTION

A. Enacting clause.

394.120. Qualifications for membership — meetings — rules.

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

SECTION A. ENACTING CLAUSE. — Section 394.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 394.120, to read as follows:

394.120. QUALIFICATIONS FOR MEMBERSHIP — MEETINGS — RULES. — 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative

within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the first two thousand members and one percent of the remaining members, present in person, **or if the bylaws so provide, participating electronically or by mail**, shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, **by electronic means**, or by mail, or [both] **any combination thereof**. If the bylaws provide for voting by proxy, **by electronic means**, or by mail, they shall also prescribe the conditions under which proxy, **electronic**, or mail voting shall be exercised. In any event, no person shall vote as proxy for more than two members at any meeting of the members.

Approved June 5, 2014

SB 735 [SCS SB 735]

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

Establishes Duty to inform campground guests of campground policies and establishes causes for which a campground owner can remove a person from a campground and a penalty for failure to leave

AN ACT to amend chapter 419, RSMo, by adding thereto one new section relating to campgrounds, with penalty provisions.

SECTION

A. Enacting clause.

419.090. Campground curfew, alcohol and tobacco use, and pet policies to be posted in high traffic area — owner may eject persons, when — person guilty of trespass, when — refund, when — inapplicability to state parks.

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

SECTION A. ENACTING CLAUSE. — Chapter 419, RSMo, is amended by adding thereto one new section, to be known as section 419.090, to read as follows:

419.090. CAMPGROUND CURFEW, ALCOHOL AND TOBACCO USE, AND PET POLICIES TO BE POSTED IN HIGH TRAFFIC AREA — OWNER MAY EJECT PERSONS, WHEN — PERSON GUILTY OF TRESPASS, WHEN — REFUND, WHEN — INAPPLICABILITY TO STATE PARKS. —

1. For purposes of this section, the following terms shall mean:

(1) "Campground", any parcel or tract of land, including buildings and other structures, where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term "campground" shall also include recreational vehicle parks;

(2) "Campground owner", the owner or operator of a campground or an agent of such owner or operator.

2. A campground owner shall post in a high traffic area on the campground or distribute to registered guests or visitors of the campground a written policy on campground curfew, alcohol use, tobacco use, and pet policy.

3. A campground owner may eject a person from the campground and notify the appropriate local law enforcement authorities of any person who:

(1) Is not a registered guest or visitor of the campground;

(2) Remains on the campground beyond an agreed-upon departure time and date;

(3) Defaults in the payment of any lawfully imposed registration or visitor fee or charge;

(4) Creates a disturbance that denies other persons their right to quiet enjoyment of the campground necessary for the preservation of public peace, health, and safety; or

(5) Violates any federal, state, or local law.

4. A person who remains on a campground after having been asked to leave by a campground owner for violating any of the provisions of subsection 3 of this section shall be guilty of trespass in the first degree under section 569.140 and subject to the penalties therein and may be removed summarily by the campground owner or a law enforcement officer.

5. A person who is removed from a campground under subsection 4 of this section shall be entitled to a refund of the unused portion of any prepaid fees, less any amount otherwise owed to the campground owner or deducted for damages, which unused portion of prepaid fees may be prorated at a rate that is based upon the daily rate charged by the campground owner.

6. The provisions of this section shall not apply to any Missouri state park.

Approved July 8, 2014

SB 741 [SS SB 741]

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

Authorizes gaming establishment to provide lines of credit

AN ACT to repeal sections 313.800, 313.812, 313.817, and 313.830, RSMo, and to enact in lieu thereof four new sections relating to financial transactions of gaming establishments, with existing penalty provisions.

SECTION

A. Enacting clause.

313.800. Definitions — additional games of skill, commission approval, procedures.

313.812. Number of licenses granted in city or county, commission to determine, limits — city or county may submit plan, recommendations — conditions of operator license — boats, requirements — ineligibility for license — local option, boats may only be locked after voter approval, ballot, prior election, effect of — licensees may be disciplined, when.

- 313.817. Wagering, conduct of, requirements — persons under twenty-one years of age not allowed to wager or be employed as a dealer — invasion of privacy protections — presentation of false identification a misdemeanor — credit instruments, use of, requirements.
- 313.830. Prohibited acts, penalties — commission to refer violations to attorney general and prosecuting attorney — venue for actions.

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

SECTION A. ENACTING CLAUSE. — Sections 313.800, 313.812, 313.817, and 313.830, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 313.800, 313.812, 313.817, and 313.830, to read as follows:

313.800. DEFINITIONS — ADDITIONAL GAMES OF SKILL, COMMISSION APPROVAL, PROCEDURES. — 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

- (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;
- (2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;
- (3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;
- (4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;
- (5) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;
- (6) "Commission", the Missouri gaming commission;
- (7) **"Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;**
- (8) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[8)] **(9)** "Excursion gambling boat", a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

[9)] **(10)** "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820 mean the fiscal year of a home dock city or county;

[10)] **(11)** "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[11)] **(12)** "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[12)] **(13)** "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[13)] **(14)** "Games of chance", any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[14)] **(15)** "Games of skill", any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

[15)] **(16)** "Gross receipts", the total sums wagered by patrons of licensed gambling games;

[16)] **(17)** "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[17)] **(18)** "Licensee", any person licensed under sections 313.800 to 313.850;

[18)] **(19)** "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[19)] **(20)** "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill [referred to in subdivision (14) of] **defined in** this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

- (1) Is it in the best interest of gaming to allow the game; and
- (2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final

commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.812. NUMBER OF LICENSES GRANTED IN CITY OR COUNTY, COMMISSION TO DETERMINE, LIMITS — CITY OR COUNTY MAY SUBMIT PLAN, RECOMMENDATIONS — CONDITIONS OF OPERATOR LICENSE — BOATS, REQUIREMENTS — INELIGIBILITY FOR LICENSE — LOCAL OPTION, BOATS MAY ONLY BE LOCKED AFTER VOTER APPROVAL, BALLOT, PRIOR ELECTION, EFFECT OF — LICENSEES MAY BE DISCIPLINED, WHEN. — 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established [his] **the applicant's** good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. **Except as provided in section 313.817**, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, **other than a credit instrument**, must be deposited within twenty-four hours. **Except for any credit instrument**, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question,

then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election.

Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

313.817. WAGERING, CONDUCT OF, REQUIREMENTS—PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT ALLOWED TO WAGER OR BE EMPLOYED AS A DEALER —INVASION OF PRIVACY PROTECTIONS —PRESENTATION OF FALSE IDENTIFICATION A MISDEMEANOR — CREDIT INSTRUMENTS, USE OF, REQUIREMENTS. — 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money or **credit instrument** of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. **Credit instruments executed on or after August 28, 2014, are valid contracts creating debt that is enforceable by legal process. A licensee may accept credit instruments from a qualified person in exchange for currency, chips, tokens, or electronic tokens that can be wagered on gambling games at the licensee's excursion gambling boat. For the purposes of this subsection, "qualified person" means a person who has completed a credit application provided by the licensee and who is determined by the licensee, after performing a credit check and applying usual standards to establish creditworthiness, to qualify for a line of credit of at least ten thousand dollars. Once the licensee makes the determination that a person is a qualified person, additional credit checks are not required. Approval to accept a credit instrument from a qualified person**

shall be made by the holder of an occupational license. A licensee may accept multiple credit instruments from the same person to consolidate or redeem a previous credit instrument. A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking enforcement can prove its existence and terms. Any person who violates this subsection is subject only to the penalties provided in section 313.812. The commission shall have no authority to determine the validity or enforceability of a credit instrument or the enforceability of the debt that the credit instrument represents. Failure to comply with any regulation promulgated by the commission shall not impact the validity or enforceability of the credit instrument or the debt that the credit instrument represents.

9. In addition to the other creditor protections contained in this section, a licensee may not lend anything of value or extend credit to any person for the purpose of permitting that person to wager on any gambling game except through the use of a credit instrument. All credit instruments shall provide that any credit extended shall be due no later than thirty days from the date credit is extended. Credit instruments shall be considered an unsecured loan and shall not bear interest.

10. No credit shall be extended to a person who is intoxicated.

313.830. PROHIBITED ACTS, PENALTIES — COMMISSION TO REFER VIOLATIONS TO ATTORNEY GENERAL AND PROSECUTING ATTORNEY — VENUE FOR ACTIONS. — 1. A person is guilty of a class D felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shell or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

(1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;

(2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or

(3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat.

3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

(a) In projecting the outcome of the game;

(b) In keeping track of the cards played;

(c) In analyzing the probability of the occurrence of an event relating to the gambling game; or

(d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;

(4) Cheats at a gambling game;

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;

(6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;

(7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;

(9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;

(10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;

(11) Uses counterfeit chips or tokens in a gambling game;

(12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;

(13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850;

(14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game; or

(15) Knowingly makes a false statement of any material fact to the commission, its agents or employees.

5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money **or a credit instrument** as provided in section 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.

7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.

8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 745 [SS SB 745]

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

Modifies the provisions regarding sheriffs and other law enforcement officers, weapons, and concealed carry permits

AN ACT to repeal sections 57.015, 57.201, 57.220, 57.250, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, RSMo, and to enact in lieu thereof ten new sections relating to operations of the office of sheriff, with an existing penalty provision.

SECTION

- A. Enacting clause.
- 57.015. Definitions.
- 57.201. Deputies, appointment, compensation — serve at pleasure of sheriff (certain first class counties).
- 57.220. Appointment of deputies, provisions of law to apply (second class counties).
- 57.250. Appointment of deputies — compensation — duty of circuit judges — presiding judge may order additional deputies, when — provisions of law to apply (third and fourth class counties).
- 544.216. Powers of arrest, arrest without warrant on suspicion persons violating any law of state including infractions, misdemeanors and ordinances, exception — power of municipal officer in unincorporated area.
- 571.030. Unlawful use of weapons — exceptions — penalties.
- 571.101. Concealed carry permits, application requirements — approval procedures — issuance, when — information on permit — fees.
- 571.104. Suspension or revocation of endorsements and permits, when — renewal procedures — change of name or residence notification requirements.
- 571.111. Firearms training requirements — safety instructor requirements — penalty for violations.
- 650.350. Missouri sheriff methamphetamine relief taskforce created, members, compensation, meetings — MoSMART fund created — concealed carry permit fund created, grants — rulemaking authority — funding priorities.

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

SECTION A. ENACTING CLAUSE. — Sections 57.015, 57.201, 57.220, 57.250, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 57.015, 57.201, 57.220, 57.250, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, to read as follows:

57.015. DEFINITIONS. — [As used in this chapter] **For purposes of section 57.275**, the following words and terms shall have the following meaning:

(1) "Deputy sheriff" or "officer", any deputy sheriff who is employed full time by a law enforcement agency, authorized by this chapter and certified pursuant to chapter 590. This term shall not include an officer serving in probationary status or one year, whichever is longer, upon initial employment. This term shall not include any deputy sheriff with the rank of lieutenant and above, or any chief deputies, under sheriffs and the command staff as defined by the sheriff's department policy and procedure manual;

(2) "Hearing", a closed meeting conducted by a hearing board appointed by the sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff. Witnesses to the event that triggered the dismissal may attend the hearing for the limited purpose of providing testimony; the attorney for the deputy dismissed may attend the hearing, but only to serve as an observer; the sheriff and his or her attorney may attend the hearing, but only to serve as an observer;

(3) "Hearing board", the individuals appointed by the sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff; and

(4) "Law enforcement agency", any county sheriff's office of this state that employs county law enforcement deputies authorized by this chapter and certified by chapter 590.

57.201. DEPUTIES, APPOINTMENT, COMPENSATION — SERVE AT PLEASURE OF SHERIFF (CERTAIN FIRST CLASS COUNTIES). — 1. The sheriff of all counties of the first class not having a charter form of government shall appoint such deputies, assistants and other employees as he deems necessary for the proper discharge of the duties of his office and may set their compensation within the limits of the allocations made for that purpose by the county commission. The compensation for the deputies, assistants and employees shall be paid in equal installments out of the county treasury in the same manner as other county employees are paid.

2. The assistants and employees shall hold office at the pleasure of the sheriff.

3. [Deputies] **A deputy sheriff, as the term "deputy sheriff" is defined under section 57.015** shall hold office pursuant to the provisions of sections 57.015 and 57.275.

57.220. APPOINTMENT OF DEPUTIES, PROVISIONS OF LAW TO APPLY (SECOND CLASS COUNTIES). — The sheriff, in a county of the second class, shall be entitled to such a number of deputies as a majority of the circuit judges of the circuit court shall deem necessary for the prompt and proper discharge of the duties of the sheriff's office; provided, however, such number of deputies appointed by the sheriff shall not be less than one chief deputy sheriff and one additional deputy for each five thousand inhabitants of the county according to the last decennial census. Such deputies shall be appointed by the sheriff, but no appointment shall become effective until approved by a majority of the circuit judges of the circuit court of the county. A majority of the circuit judges of the circuit court, by agreement with the sheriff, shall fix the salaries of such deputies. A statement of the number of deputies allowed the sheriff, and their compensation, together with the approval of any appointment by such judges of the circuit court, shall be in writing and signed by them and filed by the sheriff with the county commission. [Deputies] **A deputy sheriff as the term "deputy sheriff" is defined under section 57.015** shall hold office pursuant to the provisions of sections 57.015 and 57.275.

57.250. APPOINTMENT OF DEPUTIES — COMPENSATION — DUTY OF CIRCUIT JUDGES — PRESIDING JUDGE MAY ORDER ADDITIONAL DEPUTIES, WHEN — PROVISIONS OF LAW TO APPLY (THIRD AND FOURTH CLASS COUNTIES). — The sheriff in counties of the third and fourth classifications shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of a majority of the circuit judges of the circuit court, as such judges shall deem necessary for the prompt and proper discharge of such sheriff's duties relative to the enforcement of the criminal law of this state. Such judges of the circuit court, in their order permitting the sheriff to appoint deputies or assistants, shall fix the compensation of such deputies or assistants. The circuit judges shall annually review their order fixing the number and compensation of the deputies and assistants and in setting such number and compensation shall have due regard for the financial condition of the county. Each such order shall be entered of record and a certified copy thereof shall be filed in the office of the county clerk at least fifteen days prior to the date of the adoption of the county budget as prescribed by section 50.610. The sheriff may at any time discharge any assistant and may regulate the time of such person's employment. [Deputies] **A deputy sheriff as the term "deputy sheriff" is defined under section 57.015** shall hold office pursuant to the provisions of sections 57.015 and 57.275. At the request of the sheriff, the presiding judge may order additional deputies in cases where exigent or emergency circumstances require the need for such additional deputies.

544.216. POWERS OF ARREST, ARREST WITHOUT WARRANT ON SUSPICION PERSONS VIOLATING ANY LAW OF STATE INCLUDING INFRACTIONS, MISDEMEANORS AND ORDINANCES, EXCEPTION — POWER OF MUNICIPAL OFFICER IN UNINCORPORATED AREA. — **Except as otherwise provided in section 544.157,** any sheriff or deputy sheriff, any member of the Missouri state highway patrol, and any county or municipal law enforcement officer in this state, except those officers of a political subdivision or municipality having a population of less than two thousand persons or which does not have at least four full-time nonelected peace

officers unless such subdivision or municipality has elected to come under and is operating pursuant to the provisions of sections 590.100 to 590.150, may arrest on view, and without a warrant, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any **ordinance or** law of this state, including a misdemeanor or infraction, [or has violated any ordinance] over which such officer has jurisdiction. Peace officers of a municipality shall have arrest powers, as described in this section, upon lands which are leased or owned by the municipality in an unincorporated area. Ordinances enacted by a municipality, owning or leasing lands outside its boundaries, may be enforced by peace officers of the municipality upon such owned or leased lands. The power of arrest authorized by this section is in addition to all other powers conferred upon law enforcement officers, and shall not be construed so as to limit or restrict any other power of a law enforcement officer.

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law

enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney [or any], circuit attorney or assistant circuit attorney, **or any person appointed by a court to be a special prosecutor** who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.101. CONCEALED CARRY PERMITS, APPLICATION REQUIREMENTS — APPROVAL PROCEDURES — ISSUANCE, WHEN — INFORMATION ON PERMIT — FEES. — 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid [for a period of five years] from the date of issuance or renewal **until five years from the last day of the month in which the permit was issued or renewed.** The concealed carry permit is valid throughout this state. **Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers.** A concealed carry endorsement issued prior to August 28, 2013, shall continue [for a period of three years] from the date of issuance or renewal **until three years from the last day of the month in which the endorsement was issued or renewed** to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-one years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(6) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(7) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(9) Submits a completed application for a permit as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect;

(12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has

not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall [request a criminal background check, including] **conduct** an inquiry of the National Instant Criminal Background Check System[, through the appropriate law enforcement agency] within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed [background checks,] **report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check**, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the [background checks] **report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check** prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to an national instant criminal background check required by 18 U.S.C. 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any [background check] **report** that identifies a disqualifying record, and shall notify the [Missouri uniform law enforcement] **concealed carry permit system established under subsection 5 of section 650.350**. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee [and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section].

8. The concealed carry permit shall specify only the following information:

- (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;
- (2) The signature of the sheriff issuing the permit;
- (3) The date of issuance; and
- (4) The expiration date.

The permit shall be no larger than two **and one-eighth** inches wide by three and [one-fourth] **three-eighths** inches long and shall be of a uniform style prescribed by the department of public

safety. The permit shall also be assigned a [Missouri uniform law enforcement] **concealed carry permit** system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit. [Beginning August 28, 2013, the department of revenue shall not keep any record of an application for a concealed carry permit. Any information collected by the department of revenue related to an application for a concealed carry endorsement prior to August 28, 2013, shall be given to the members of MoSMART, created under section 650.350, for the dissemination of the information to the sheriff of any county or city not within a county in which the applicant resides to keep in accordance with the provisions of this subsection.]

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the [Missouri uniform law enforcement] **concealed carry permit** system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained in the **concealed carry permit system** under this subsection shall not be [batch processed for query] **distributed to any federal, state, or private entities** and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. **A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder.** Any person who violates the provisions of this [subsection] **subdivision** by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be [performed or] distributed to any federal, state, or private entity, except to MoSMART [as provided under subsection 9 of this section] **or a designee thereof.** Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.104. SUSPENSION OR REVOCATION OF ENDORSEMENTS AND PERMITS, WHEN — RENEWAL PROCEDURES — CHANGE OF NAME OR RESIDENCE NOTIFICATION REQUIREMENTS. — 1. [(1) A concealed carry permit issued pursuant to sections 571.101 to 571.121, and, if applicable,] A concealed carry endorsement issued prior to August 28, 2013, shall be suspended or revoked if the concealed carry [permit or] endorsement holder becomes ineligible for such [permit or] endorsement under the criteria established in subdivisions [(2),] (3), (4), (5), [(7)] **(8)**, and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. **The following procedures shall be followed:**

[(2)] **(1)** When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision [(2),] (3), (4), (5), [(7)] **(8)**, or (11) of subsection 2 of section 571.101, is issued against a person holding [a concealed carry permit issued pursuant to sections 571.101 to 571.121, or] a concealed carry endorsement issued prior to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry [permit or] endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry [permit or] endorsement shall surrender [the permit, and, if applicable,] the driver's license or nondriver's license containing the concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment.

[(3)] In cases involving a concealed carry endorsement issued prior to August 28, 2013,] The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. [The concealed carry permit issued pursuant to sections 571.101 to 571.121, and, if applicable,] The concealed carry endorsement issued prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. **The official to whom the endorsement is surrendered shall administratively suspend the endorsement in the concealed carry permit system established under subsection 5 of section 650.350 until such time as the order is terminated or until the charges are dismissed.** Upon dismissal, the court holding the [permit and, if applicable, the] driver's license or nondriver's license containing the concealed carry endorsement shall return such [permit or] license to the individual, **and the official to whom the endorsement was surrendered shall administratively return the endorsement to good standing within the concealed carry permit system.**

[(4)] **(2)** Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action [and the permit to the issuing county sheriff. If a concealed carry endorsement issued prior to August 28, 2013, is revoked, the court shall forward the notice] and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement. The sheriff who issued the [concealed carry permit, or the] certificate of qualification prior to August 28, 2013, shall report the change in status of the [concealed carry permit or] endorsement to the [Missouri uniform law enforcement] **concealed carry permit system established under subsection 5 of section 650.350.** The director of revenue shall immediately remove the endorsement issued prior to August 28, 2013, from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the

department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101 is issued against a person holding a concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system.

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system.

[2.] **3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based [background check, including an] inquiry of the National Instant Criminal Background Check System, shall be completed for each renewal application. The sheriff shall review the results of the [background check] report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit was renewed. The process for renewing a concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection.**

[3.] **4. A person who has been issued a concealed carry permit, or a certificate of qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a renewal application for a concealed carry permit on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired concealed carry permit or certificate of qualification shall notify the [Missouri uniform law enforcement] concealed carry permit**

system [and the individual] that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff who issued the certificate of qualification for the endorsement shall notify the director of revenue that such certificate is expired regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 2 of this section. The director of revenue shall immediately remove such endorsement from the individual's driving record and notify the individual that his or her driver's license or nondriver's license has expired. The notice shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, who fails to renew his or her application within the six-month period must reapply for a new concealed carry permit and pay the fee for a new application.

[4.] **5.** Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the [sheriffs of both the old and new jurisdictions] **sheriff of the new jurisdiction** of the permit or endorsement holder's change of residence within thirty days after the changing of a permanent residence **to a location outside the county of permit issuance.** The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that the permit or endorsement holder has changed his or her residence. **The sheriff in the new jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder to the sheriff in the new jurisdiction within thirty days.** The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. [If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases, the change of residence shall be made by the department of revenue onto the individual's driving record.] The sheriff shall report the residence change to the [Missouri uniform law enforcement system, and] **concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder.** The new address shall be accessible by the [Missouri uniform law enforcement] **concealed carry permit** system within three days of receipt of the information. **If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases, the change of residence shall be made by the department of revenue onto the individual's driving record.**

[5.] **6.** Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his or her designee of the permit or endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her permit or driver's license or nondriver's license containing a concealed carry endorsement. The permit or endorsement holder shall furnish a statement to the sheriff that the permit or driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a permit or driver's license or nondriver's license containing a concealed carry endorsement, the sheriff may charge a processing fee of ten dollars for costs associated with [placing] **replacing** a lost or destroyed permit or driver's license or nondriver's license containing a concealed carry endorsement and shall reissue a new concealed carry permit within three working days of being notified by the concealed carry permit or endorsement holder of its loss or destruction. The new concealed carry permit shall contain the same personal information, including expiration date, as the original concealed carry permit.

[6.] **7.** If a person issued a concealed carry permit, or endorsement issued prior to August 28, 2013, changes his or her name, the person to whom the permit or endorsement was issued shall obtain a corrected or new concealed carry permit with a change of name from the sheriff

who issued the original concealed carry permit or the original certificate of qualification for an endorsement upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected or new concealed carry permit. The permit or endorsement holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her concealed carry permit or current driver's license or nondriver's license containing a concealed carry endorsement. The sheriff shall report the name change to the [Missouri uniform law enforcement] **concealed carry permit** system, and the new name shall be accessible by the [Missouri uniform law enforcement] **concealed carry permit** system within three days of receipt of the information.

[7.] **8. The person with a concealed carry permit, or endorsement issued prior to August 28, 2013, shall notify the sheriff of a name or address change within thirty days of the change.** A concealed carry permit and, if applicable, endorsement shall be automatically invalid after [thirty] **one hundred eighty** days if the permit or endorsement holder has changed his or her name or changed his or her residence and not notified the sheriff as required in subsections [4] **5** and [6] **7** of this section. **The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or address within thirty days.**

571.111. FIREARMS TRAINING REQUIREMENTS — SAFETY INSTRUCTOR REQUIREMENTS — PENALTY FOR VIOLATIONS. — 1. An applicant for a concealed carry permit shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry permit:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload **either** a revolver [and] **or** a semiautomatic pistol and demonstrated his or her marksmanship with [both] **either firearm**;

- (3) The basic principles of marksmanship;
- (4) Care and cleaning of concealable firearms;
- (5) Safe storage of firearms at home;
- (6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence;
- (7) The laws relating to firearms as prescribed in this chapter;
- (8) The laws relating to the justifiable use of force as prescribed in chapter 563;
- (9) A live firing exercise of sufficient duration for each applicant to fire [both] **either** a revolver [and] **or** a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from [each] **the** handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;
- (10) A live fire test administered to the applicant while the instructor was present of twenty rounds from [each handgun] **either a revolver or a semiautomatic pistol** from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry permit who:

- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or
- (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
- (3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds[, with both handguns].

4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry permit shall:

- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
- (2) Maintain all course records on students for a period of no less than four years from course completion date; and
- (3) Not have more than forty students **per certified instructor** in the classroom portion of the course or more than five students per range officer engaged in range firing.

5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if the instructor:

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
- (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
- (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (5) Is a certified police officer firearms safety instructor.

6. Any firearms safety instructor qualified under subsection 5 of this section may submit a copy of a training instructor certificate, course outline bearing **the** notarized signature of **the** instructor, and **a** recent photograph of [his or herself] **the instructor** to the sheriff of the county in which [he or she] **the instructor** resides. [Each] **The sheriff shall review the training instructor certificate along with the course outline and verify the firearms safety instructor is qualified and the course meets the requirements provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the course meets the requirements provided under this section, the** sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and [shall

retain a) **submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a statewide** database of qualified instructors. This information shall be a closed record except for access by any sheriff. **Firearms safety instructors may register annually and the registration is only effective for the calendar year in which the instructor registered. Any sheriff may access the statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the course offered by the instructor meets the requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is qualified to provide firearms safety instruction in counties throughout the state under this section if the instructor is registered on the statewide database of qualified instructors.**

7. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates.

650.350. MISSOURI SHERIFF METHAMPHETAMINE RELIEF TASKFORCE CREATED, MEMBERS, COMPENSATION, MEETINGS — MoSMART FUND CREATED — CONCEALED CARRY PERMIT FUND CREATED, GRANTS — RULEMAKING AUTHORITY — FUNDING PRIORITIES. — 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names of sitting sheriffs to the governor. The governor shall appoint five members from the list of twenty names, having no more than three from any one political party, to serve a term of two years on MoSMART. The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.

2. MoSMART shall meet no less than twice each calendar year with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.

3. A special fund is hereby created in the state treasury to be known as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received for MoSMART from interest, state, and federal moneys shall be deposited to the credit of the fund. The director of the department of public safety shall distribute at least fifty percent but not more than one hundred percent of the fund annually in the form of grants approved by MoSMART.

4. Except for money deposited into the deputy sheriff salary supplementation fund created under section 57.278 or money deposited into the concealed carry permit fund created under subsection 5 of this section, all moneys [appropriate] **appropriated** to or received by MoSMART shall be deposited and credited to the MoSMART fund. The department of public safety shall only be reimbursed for actual and necessary expenses for the administration of MoSMART, which shall be no less than one percent and which shall not exceed two percent of all moneys appropriated to the fund, except that the department shall not receive any amount of the money deposited into the deputy sheriff salary supplementation fund for administrative purposes. The provisions of section 33.080 to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

5. A special fund is hereby created in the state treasury to be known as the "Concealed Carry Permit Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys **appropriated by the general assembly to the fund** shall be

deposited to the credit of the fund. The director of the department of public safety shall annually distribute all moneys in the fund in the form of grants approved by MoSMART. The department of public safety shall administer all MoSMART grant deposits under this section. Grant funds deposited into the fund created under this section shall be spent first to ensure county law enforcement agencies' ability to comply with the issuance of concealed carry permits including, but not limited to, equipment, records management hardware and software, personnel, supplies, and other services. **MoSMART shall provide grants as authorized by the general assembly to sheriffs, and any designee that is created and authorized to support sheriffs in the creation, maintenance, and operation of a statewide concealed carry permit system for Missouri sheriffs and law enforcement purposes. The concealed carry permit system shall consist of a server network accessible by all Missouri sheriffs and law enforcement agencies for purposes that do not conflict with this chapter. All equipment, software, and services necessary to create, maintain, and operate the concealed carry permit system shall be the property of the sheriffs and MoSMART's designee. A designee of MoSMART and the sheriffs may administer and operate the concealed carry permit system utilizing policies and procedures established by MoSMART by way of a memorandum of understanding and MoSMART protocol. Any equipment, software, or services provided to a sheriff as part of the concealed carry permit system shall become property of MoSMART's designee and the sheriff's office and MoSMART shall not be responsible for the maintenance or replacement of such equipment, software, or services.** Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

7. Any county law enforcement entity or established task force with a memorandum of understanding and protocol may apply for grants from the MoSMART fund on an application to be developed by the department of public safety with the approval of MoSMART. All applications shall be evaluated by MoSMART and approved or denied based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand dollars per year. The department of public safety shall monitor all MoSMART grants.

8. MoSMART's anti-methamphetamine funding priorities are as follows:

(1) Sheriffs who are participating in coordinated multijurisdictional task forces and have their task forces apply for funding;

(2) Sheriffs whose county has been designated HIDTA counties, yet have received no HIDTA or narcotics assistance program funding; and

(3) Sheriffs without HIDTA designations or task forces, whose application justifies the need for MoSMART funds to eliminate methamphetamine labs.

9. MoSMART shall administer the deputy sheriff salary supplementation fund as provided under section 57.278.

[10. Beginning August 28, 2013, the department of revenue shall begin transferring any records related to the issuance of a concealed carry permit to MoSMART for dissemination to the sheriff of the county or city not within a county in which the applicant or permit holder resides.]

Approved July 2, 2014

SB 754 [CCS HCS SS#2 SB 754]

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

Modifies provisions relating to health care

AN ACT to repeal sections 105.711, 174.335, 195.070, 208.631, 208.636, 208.640, 208.643, 208.646, 208.790, 208.798, 334.035, 334.735, 338.010, 338.059, and 338.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to health care.

SECTION

- A. Enacting clause.
- 105.711. Legal expense fund created — officers, employees, agencies, certain health care providers covered, procedure — rules regarding contract procedures and documentation of care — certain claims, limitations — funds not transferable to general revenue — rules.
- 174.335. Meningococcal disease, all on-campus students to be vaccinated — exemption, when — records to be maintained.
- 191.761. Umbilical cord blood samples, department to provide courier service to nonprofit umbilical cord blood bank — rulemaking authority.
- 191.990. Diabetes goals and benchmarks — report, contents.
- 191.1140. Treatment of chronic, common, and complex diseases, program authorized, purpose.
- 192.769. Notice to patients upon completion of a mammogram — effective date.
- 195.070. Who may prescribe.
- 197.168. Influenza vaccination offered to certain inpatients prior to discharge.
- 208.141. Donor human breast milk, hospital eligible for reimbursement, when — rulemaking authority.
- 208.631. Program established, terminates, when — definitions.
- 208.636. Requirements of parents or guardians.
- 208.640. Co-payments required, when, amount, limitations.
- 208.643. Rules, compliance with federal law.
- 208.646. Waiting period required, when.
- 208.662. Program established as CHIPs program — eligibility — coverage — report, content — program not entitlement.
- 208.790. Applicants required to have fixed place of residence, rules — eligibility income limits subject to appropriations, rules.
- 208.798. Termination date.
- 334.035. Application for permanent license, postgraduate training requirement.
- 334.036. Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements.
- 334.037. Assistant physicians, collaborative practice arrangements, requirements — rulemaking authority — identification badges required, when — prescriptive authority.
- 334.735. Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
- 338.010. Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — report.
- 338.059. Prescriptions, how labeled.
- 338.165. Class B pharmacies subject to department inspection, when — definitions — rulemaking authority — certificate of medication therapeutic plan authority required, when — dispensing of medications, requirements — advisory committee.
- 338.220. Operation of pharmacy without permit or license unlawful — application for permit, classifications, fee — duration of permit.
1. Assistant physicians, program to serve in medically underserved areas, requirements — fund created — grant eligibility — rulemaking authority.
 2. Joint committee on eating disorders established, members, duties, report.

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

SECTION A. ENACTING CLAUSE. — Sections 105.711, 174.335, 195.070, 208.631, 208.636, 208.640, 208.643, 208.646, 208.790, 208.798, 334.035, 334.735, 338.010, 338.059, and 338.220, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 105.711, 174.335, 191.761, 191.990, 191.1140, 192.769, 195.070, 197.168,

208.141, 208.631, 208.636, 208.640, 208.643, 208.646, 208.662, 208.790, 208.798, 334.035, 334.036, 334.037, 334.735, 338.010, 338.059, 338.165, 338.220, 1, and 2, to read as follows:

105.711. LEGAL EXPENSE FUND CREATED — OFFICERS, EMPLOYEES, AGENCIES, CERTAIN HEALTH CARE PROVIDERS COVERED, PROCEDURE — RULES REGARDING CONTRACT PROCEDURES AND DOCUMENTATION OF CARE — CERTAIN CLAIMS, LIMITATIONS — FUNDS NOT TRANSFERABLE TO GENERAL REVENUE — RULES. — 1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087 or section 537.600;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri National Guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287;

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338 who is employed by the state of Missouri or any agency of the state under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338 who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed by or under contract with a city or county health department organized under chapter 192 or chapter 205, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334 who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section

501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who provides health care services within the scope of his or her license or registration at a city or county health department organized under chapter 192 or chapter 205, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, **excluding federally funded community health centers as specified in paragraph (c) of this subdivision and rural health clinics under 42 U.S.C. 1396d(l)(1)**, if such services are restricted to primary care and preventive health services, provided that such services shall not include the performance of an abortion, and if such health services are provided by the health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 without compensation. MO HealthNet or Medicare payments for primary care and preventive health services provided by a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who volunteers at a [free] **community** health clinic is not compensation for the purpose of this section if the total payment is assigned to the [free] **community** health clinic. For the purposes of the section, "[free] **community** health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage [for the services provided without charge]. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school or summer camp, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(f) Any physician licensed under chapter 334, or dentist licensed under chapter 332, providing medical care without compensation to an individual referred to his or her care by a city or county health department organized under chapter 192 or 205, a city health department operating under a city charter, or a combined city-county health department, or nonprofit health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a federally funded community health center organized under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such treatment shall not include the performance of an abortion. In the case of any

claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed one million dollars for any one claimant, and insurance policies purchased under the provisions of section 105.721 shall be limited to one million dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician licensed under chapter 334, or any dentist licensed under chapter 332, shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(4) Staff employed by the juvenile division of any judicial circuit;

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;

(6) Any social welfare board created under section 205.770 and the members and officers thereof upon conduct of such officer or employee while acting in his or her capacity as a board member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who is referred to provide medical care without compensation by the board and who provides health care services within the scope of his or her license or registration as prescribed by the board; or

(7) Any person who is selected or appointed by the state director of revenue under subsection 2 of section 136.055 to act as an agent of the department of revenue, to the extent that such agent's actions or inactions upon which such claim or judgment is based were performed in the course of the person's official duties as an agent of the department of revenue and in the manner required by state law or department of revenue rules.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 7 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance obtained and maintained in force by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for coverage concerning his or her private practice and assets shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. However, a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the

pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs. In the case of any claim or judgment against an officer or employee of the state or any agency of the state based upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state that would give rise to a cause of action under section 537.600, the state legal expense fund shall be liable, excluding punitive damages, for:

- (1) Economic damages to any one claimant; and
- (2) Up to three hundred fifty thousand dollars for noneconomic damages.

The state legal expense fund shall be the exclusive remedy and shall preclude any other civil actions or proceedings for money damages arising out of or relating to the same subject matter against the state officer or employee, or the officer's or employee's estate. No officer or employee of the state or any agency of the state shall be individually liable in his or her personal capacity for conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state. The provisions of this subsection shall not apply to any defendant who is not an officer or employee of the state or any agency of the state in any proceeding against an officer or employee of the state or any agency of the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant under state law or common law in proceedings where one or more defendants is not an officer or employee of the state or any agency of the state.

6. The limitation on awards for noneconomic damages provided for in this subsection shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

7. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

8. The provisions of section 33.080 notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

174.335. MENINGOCOCCAL DISEASE, ALL ON-CAMPUS STUDENTS TO BE VACCINATED — EXEMPTION, WHEN — RECORDS TO BE MAINTAINED. — 1. Beginning with the 2004-2005 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to [sign a written waiver stating that the institution of higher education has provided the student, or if the student is a minor, the student's parents or guardian, with detailed written information on the risks associated with meningococcal disease and the availability and effectiveness of] **have received the meningococcal vaccine unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334, indicating that the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.**

2. [Any student who elects to receive the meningococcal vaccine shall not be required to sign a waiver referenced in subsection 1 of this section and shall present a record of said vaccination to the institution of higher education.

3.] Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college[, including any written waivers executed pursuant to subsection 1 of this section].

[4.] 3. Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

191.761. UMBILICAL CORD BLOOD SAMPLES, DEPARTMENT TO PROVIDE COURIER SERVICE TO NONPROFIT UMBILICAL CORD BLOOD BANK — RULEMAKING AUTHORITY. — 1. **Beginning July 1, 2015, the department of health and senior services shall provide a courier service to transport collected, donated umbilical cord blood samples to a nonprofit umbilical cord blood bank located in a city not within a county in existence as of the effective date of this section. The collection sites shall only be those facilities designated and**

trained by the blood bank in the collection and handling of umbilical cord blood specimens.

2. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

191.990. DIABETES GOALS AND BENCHMARKS —REPORT, CONTENTS. — 1. The MO HealthNet division and the department of health and senior services shall collaborate to coordinate goals and benchmarks in each agency's plans to reduce the incidence of diabetes in Missouri, improve diabetes care, and control complications associated with diabetes.

2. The MO HealthNet division and the department of health and senior services shall submit a report to the general assembly by January first of each odd-numbered year on the following:

(1) The prevalence and financial impact of diabetes of all types on the state of Missouri. Items in this assessment shall include an estimate of the number of people with diagnosed and undiagnosed diabetes, the number of individuals with diabetes impacted or covered by the agency programs addressing diabetes, the financial impact of diabetes, and its complications on Missouri based on the most recently published cost estimates for diabetes;

(2) An assessment of the benefits of implemented programs and activities aimed at controlling diabetes and preventing the disease;

(3) A description of the level of coordination existing between the agencies, their contracted partners, and other stakeholders on activities, programs, and messaging on managing, treating, or preventing all forms of diabetes and its complications;

(4) The development or revision of detailed action plans for battling diabetes with a range of actionable items for consideration by the general assembly. The plans shall identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications. The plan also shall identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing diabetes; and

(5) The development of a detailed budget blueprint identifying needs, costs, and resources required to implement the plan identified in subdivision (4) of this subsection. This blueprint shall include a budget range for all options presented in the plan identified in subdivision (4) of this subsection for consideration by the general assembly.

3. The requirements of subsections 1 and 2 of this section shall be limited to diabetes information, data, initiatives, and programs within each agency prior to the effective date of this section, unless there is unobligated funding for diabetes in each agency that may be used for new research, data collection, reporting, or other requirements of subsections 1 and 2 of this section.

191.1140. TREATMENT OF CHRONIC, COMMON, AND COMPLEX DISEASES, PROGRAM AUTHORIZED, PURPOSE. — 1. Subject to appropriations, the University of Missouri shall manage the "Show-Me Extension for Community Health Care Outcomes (ECHO) Program". The department of health and senior services shall collaborate with the University of Missouri in utilizing the program to expand the capacity to safely and

effectively treat chronic, common, and complex diseases in rural and underserved areas of the state and to monitor outcomes of such treatment.

2. The program is designed to utilize current telehealth technology to disseminate knowledge of best practices for the treatment of chronic, common, and complex diseases from a multidisciplinary team of medical experts to local primary care providers who will deliver the treatment protocol to patients, which will alleviate the need of many patients to travel to see specialists and will allow patients to receive treatment more quickly.

3. The program shall utilize local community health care workers with knowledge of local social determinants as a force multiplier to obtain better patient compliance and improved health outcomes.

192.769. NOTICE TO PATIENTS UPON COMPLETION OF A MAMMOGRAM — EFFECTIVE DATE. — 1. On completion of a mammogram, a mammography facility certified by the United States Food and Drug Administration (FDA) or by a certification agency approved by the FDA shall provide to the patient the following notice:

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue. A report of your mammography results will be sent to you and your physician. You should contact your physician if you have any questions or concerns regarding this report."

2. Nothing in this section shall be construed to create a duty of care beyond the duty to provide notice as set forth in this section.

3. The information required by this section or evidence that a person violated this section is not admissible in a civil, judicial, or administrative proceeding.

4. A mammography facility is not required to comply with the requirements of this section until January 1, 2015.

195.070. WHO MAY PRESCRIBE. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, **or an assistant physician in accordance with section 334.037** or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

197.168. INFLUENZA VACCINATION OFFERED TO CERTAIN INPATIENTS PRIOR TO DISCHARGE. — Each year between October first and March first and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, each hospital licensed under this chapter shall offer, prior to discharge and with the approval of the attending physician or other practitioner authorized to order vaccinations or as authorized by physician-approved hospital policies or protocols for influenza vaccinations pursuant to state hospital regulations, immunizations against influenza virus to all inpatients sixty-five years of age and older unless contraindicated for such patient and contingent upon the availability of the vaccine.

208.141. DONOR HUMAN BREAST MILK, HOSPITAL ELIGIBLE FOR REIMBURSEMENT, WHEN — RULEMAKING AUTHORITY. — 1. The department of social services shall reimburse a hospital for prescribed medically necessary donor human breast milk provided to a MO HealthNet participant if:

- (1) The participant is an infant under the age of three months;
- (2) The participant is critically ill;
- (3) The participant is in the neonatal intensive care unit of the hospital;
- (4) A physician orders the milk for the participant;
- (5) The department determines that the milk is medically necessary for the participant;
- (6) The parent or guardian signs and dates an informed consent form indicating the risks and benefits of using banked donor human milk; and
- (7) The milk is obtained from a donor human milk bank that meets the quality guidelines established by the department.

2. An electronic web-based prior authorization system using the best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need.

3. The department shall promulgate rules for the implementation of this section, including setting forth rules for the required documentation by the physician and the informed consent to be provided to and signed by the parent or guardian of the participant. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable, and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

208.631. PROGRAM ESTABLISHED, TERMINATES, WHEN — DEFINITIONS. — 1. Notwithstanding any other provision of law to the contrary, the MO HealthNet division shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to [208.659] **208.658** is subject to appropriation. The provisions of sections 208.631 to [208.569] **208.658**, health care for uninsured children, shall be void and of no effect if there are no funds of the United States appropriated by Congress to be provided to the state on the basis of a state plan approved by the federal government under the federal Social Security Act. If funds are appropriated by the United States Congress, the department of social services is authorized to manage the state children's health insurance program (SCHIP) allotment in order to ensure that the state receives maximum federal financial participation. Children in households

with incomes up to one hundred fifty percent of the federal poverty level may meet all Title XIX program guidelines as required by the Centers for Medicare and Medicaid Services. Children in households with incomes of one hundred fifty percent to three hundred percent of the federal poverty level shall continue to be eligible as they were and receive services as they did on June 30, 2007, unless changed by the Missouri general assembly.

2. For the purposes of sections 208.631 to [208.659] **208.658**, "children" are persons up to nineteen years of age. "Uninsured children" are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children [for six months] prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for MO HealthNet benefits as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to [208.659] **208.658**.

208.636. REQUIREMENTS OF PARENTS OR GUARDIANS. — Parents and guardians of uninsured children eligible for the program established in sections 208.631 to [208.657] **208.658** shall:

(1) Furnish to the department of social services the uninsured child's Social Security number or numbers, if the uninsured child has more than one such number;

(2) Cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third-party insurance carrier who may be liable to pay for health care;

(3) Cooperate with the department of social services, division of child support enforcement in establishing paternity and in obtaining support payments, including medical support; **and**

(4) Demonstrate upon request their child's participation in wellness programs including immunizations and a periodic physical examination. This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including immunizations and an annual physical examination because of religious beliefs or medical contraindications]; and

(5) Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value].

208.640. CO-PAYMENTS REQUIRED, WHEN, AMOUNT, LIMITATIONS. — 1. Parents and guardians of uninsured children with incomes of more than one hundred fifty but less than three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage for their children under this section. Health insurance plans that do not cover an eligible child's preexisting condition shall not be considered affordable employer-sponsored health care insurance or other affordable health care coverage. For the purposes of sections 208.631 to [208.659] **208.658**, "affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium of:

(1) Three percent of one hundred fifty percent of the federal poverty level for a family of three for families with a gross income of more than one hundred fifty and up to one hundred eighty-five percent of the federal poverty level for a family of three;

(2) Four percent of one hundred eighty-five percent of the federal poverty level for a family of three for a family with a gross income of more than one hundred eighty-five and up to two hundred twenty-five percent of the federal poverty level;

(3) Five percent of two hundred twenty-five percent of the federal poverty level for a family of three for a family with a gross income of more than two hundred twenty-five but less than three hundred percent of the federal poverty level.

The parents and guardians of eligible uninsured children pursuant to this section are responsible for a monthly premium as required by annual state appropriation; provided that the total aggregate cost sharing for a family covered by these sections shall not exceed five percent of such family's income for the years involved. No co-payments or other cost sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations. Cost-sharing provisions for their children under sections 208.631 to [208.659] **208.658** shall not exceed the limits established by 42 U.S.C. Section 1397cc(e). If a child has exceeded the annual coverage limits for all health care services, the child is not considered insured and does not have access to affordable health insurance within the meaning of this section.

2. The department of social services shall study the expansion of a presumptive eligibility process for children for medical assistance benefits.

208.643. RULES, COMPLIANCE WITH FEDERAL LAW. — 1. The department of social services shall implement policies establishing a program to pay for health care for uninsured children by rules promulgated pursuant to chapter 536, either statewide or in certain geographic areas, subject to obtaining necessary federal approval and appropriation authority. The rules may provide for a health care services package that includes all medical services covered by section 208.152, except nonemergency transportation.

2. Available income shall be determined by the department of social services by rule, which shall comply with federal laws and regulations relating to the state's eligibility to receive federal funds to implement the insurance program established in sections 208.631 to [208.657] **208.658**.

208.646. WAITING PERIOD REQUIRED, WHEN. — There shall be a thirty-day waiting period after enrollment for uninsured children in families with an income of more than two hundred twenty-five percent of the federal poverty level before the child becomes eligible for insurance under the provisions of sections 208.631 to [208.660] **208.658**. If the parent or guardian with an income of more than two hundred twenty-five percent of the federal poverty level fails to meet the co-payment or premium requirements, the child shall not be eligible for coverage under sections 208.631 to [208.660] **208.658** for [six months] **ninety days** after the department provides notice of such failure to the parent or guardian.

208.662. PROGRAM ESTABLISHED AS CHIPS PROGRAM — ELIGIBILITY — COVERAGE — REPORT, CONTENT — PROGRAM NOT ENTITLEMENT. — 1. **There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 CFR 457.1.**

2. **For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.**

3. **Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the**

unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after the effective date of this section, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision,

speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, pre-term births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state.

208.790. APPLICANTS REQUIRED TO HAVE FIXED PLACE OF RESIDENCE, RULES — ELIGIBILITY INCOME LIMITS SUBJECT TO APPROPRIATIONS, RULES. — 1. The applicant shall have or intend to have a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future. The burden of establishing proof of residence within this state is on the applicant. The requirement also applies to persons residing in long-term care facilities located in the state of Missouri.

2. The department shall promulgate rules outlining standards for documenting proof of residence in Missouri. Documents used to show proof of residence shall include the applicant's name and address in the state of Missouri.

3. Applicant household income limits for eligibility shall be subject to appropriations, but in no event shall applicants have household income that is greater than one hundred eighty-five percent of the federal poverty level for the applicable family size for the applicable year as converted to the MAGI equivalent net income standard.

4. The department shall promulgate rules outlining standards for documenting proof of household income.

208.798. TERMINATION DATE. — The provisions of sections 208.780 to 208.798 shall terminate on August 28, [2014] 2017.

334.035. APPLICATION FOR PERMANENT LICENSE, POSTGRADUATE TRAINING REQUIREMENT. — Except as otherwise provided in section 334.036, every applicant for a permanent license as a physician and surgeon shall provide the board with satisfactory evidence of having successfully completed such postgraduate training in hospitals or medical or osteopathic colleges as the board may prescribe by rule.

334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS. —

1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination within the two-year period immediately preceding application for licensure as an assistant physician, but in no event more than three years after graduation from a medical college or osteopathic medical college;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the

immediately preceding two-year period unless when such two-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

334.037. ASSISTANT PHYSICIANS, COLLABORATIVE PRACTICE ARRANGEMENTS, REQUIREMENTS — RULEMAKING AUTHORITY — IDENTIFICATION BADGES REQUIRED, WHEN — PRESCRIPTIVE AUTHORITY. — 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include

provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent assistant physicians. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017 when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
 - (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
 - (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
 - (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
 - (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
 - (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
 - (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
 - (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.
2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services.
- (2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery;
- (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
- (10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
- (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;
- (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
- (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;
- (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and
- (6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; **except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet provider while acting under a supervision agreement between the physician and physician assistant.**

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right

to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — REPORT. — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria, tetanus, pertussis**, and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria, tetanus, pertussis**, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.059. PRESCRIPTIONS, HOW LABELED. — 1. It shall be the duty of a licensed pharmacist or a physician to affix or have affixed by someone under the pharmacist's or physician's supervision a label to each and every container provided to a consumer in which is placed any prescription drug upon which is typed or written the following information:

- (1) The date the prescription is filled;
- (2) The sequential number or other unique identifier;
- (3) The patient's name;
- (4) The prescriber's directions for usage;
- (5) The prescriber's name;
- (6) The name and address of the pharmacy;
- (7) The exact name and dosage of the drug dispensed;
- (8) There may be one line under the information provided in subdivisions (1) to (7) of this subsection stating "Refill" with a blank line or squares following or the words "No Refill";
- (9) When a generic substitution is dispensed, the name of the manufacturer or an abbreviation thereof shall appear on the label or in the pharmacist's records as required in section 338.100.

2. The label of any drug which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date, if applicable, batch or lot number and national drug code.

338.165. CLASS B PHARMACIES SUBJECT TO DEPARTMENT INSPECTION, WHEN — DEFINITIONS — RULEMAKING AUTHORITY — CERTIFICATE OF MEDICATION THERAPEUTIC PLAN AUTHORITY REQUIRED, WHEN — DISPENSING OF MEDICATIONS, REQUIREMENTS — ADVISORY COMMITTEE. — 1. As used in this section, the following terms mean:

- (1) "Board", the Missouri board of pharmacy;
- (2) "Hospital", a hospital as defined in section 197.020;
- (3) "Hospital clinic or facility", a clinic or facility under the common control, management, or ownership of the same hospital or hospital system;
- (4) "Medical staff committee", the committee or other body of a hospital or hospital system responsible for formulating policies regarding pharmacy services and medication management;
- (5) "Medication order", an order for a legend drug or device that is:
 - (a) Authorized or issued by an authorized prescriber acting within the scope of his or her professional practice or pursuant to a protocol or standing order approved by the medical staff committee; and
 - (b) To be distributed or administered to the patient by a health care practitioner or lawfully authorized designee at a hospital or a hospital clinic or facility;
- (6) "Patient", an individual receiving medical diagnosis, treatment or care at a hospital or a hospital clinic or facility.

2. The department of health and senior services shall have sole authority and responsibility for the inspection and licensure of hospitals as provided by chapter 197 including, but not limited to all parts, services, functions, support functions and activities

which contribute directly or indirectly to patient care of any kind whatsoever. However, the board may inspect a class B pharmacy or any portion thereof that is not under the inspection authority vested in the department of health and senior services by chapter 197 to determine compliance with this chapter or the rules of the board. This section shall not be construed to bar the board from conducting an investigation pursuant to a public or governmental complaint to determine compliance by an individual licensee or registrant of the board with any applicable provisions of this chapter or the rules of the board.

3. The department of health and senior services shall have authority to promulgate rules in conjunction with the board governing medication distribution and the provision of medication therapy services by a pharmacist at or within a hospital. Rules may include, but are not limited to, medication management, preparation, compounding, administration, storage, distribution, packaging and labeling. Until such rules are jointly promulgated, hospitals shall comply with all applicable state law and department of health and senior services rules governing pharmacy services and medication management in hospitals. The rulemaking authority granted herein to the department of health and senior services shall not include the dispensing of medication by prescription.

4. All pharmacists providing medication therapy services shall obtain a certificate of medication therapeutic plan authority as provided by rule of the board. Medication therapy services may be provided by a pharmacist for patients of a hospital pursuant to a protocol with a physician as required by section 338.010 or pursuant to a protocol approved by the medical staff committee. However, the medical staff protocol shall include a process whereby an exemption to the protocol for a patient may be granted for clinical efficacy should the patient's physician make such request. The medical staff protocol shall also include an appeals process to request a change in a specific protocol based on medical evidence presented by a physician on staff.

5. Medication may be dispensed by a class B hospital pharmacy pursuant to a prescription or a medication order.

6. A drug distributor license shall not be required to transfer medication from a class B hospital pharmacy to a hospital clinic or facility for patient care or treatment.

7. Medication dispensed by a class A pharmacy located in a hospital to a hospital patient for use or administration outside of the hospital under a medical staff-approved protocol for medication therapy shall be dispensed only by a prescription order for medication therapy from an individual physician for a specific patient.

8. Medication dispensed by a hospital to a hospital patient for use or administration outside of the hospital shall be labeled as provided by rules jointly promulgated by the department of health and senior services and the board including, medication distributed for administration by or under the supervision of a health care practitioner at a hospital clinic or facility.

9. This section shall not be construed to preempt any law or rule governing controlled substances.

10. Any rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall only become effective if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

11. The board shall appoint an advisory committee to review and make recommendations to the board on the merit of all rules and regulations to be jointly promulgated by the board and the department of health and senior services pursuant to the joint rulemaking authority granted by this section. The advisory committee shall consist of:

(1) Two representatives designated by the Missouri Hospital Association, one of whom shall be a pharmacist;

(2) One pharmacist designated by the Missouri Society of Health System Pharmacists;

(3) One pharmacist designated by the Missouri Pharmacy Association;

(4) One pharmacist designated by the department of health and senior services from a hospital with a licensed bed count that does not exceed fifty beds or from a critical access hospital as defined by the department of social services for purposes of MO HealthNet reimbursement;

(5) One pharmacist designated by the department of health and senior services from a hospital with a licensed bed count that exceeds two hundred beds; and

(6) One pharmacist designated by the Board with experience in the provision of hospital pharmacy services.

12. Nothing in this section shall be construed to limit the authority of a licensed health care provider to prescribe, administer, or dispense medications and treatments within the scope of their professional practice.

338.220. OPERATION OF PHARMACY WITHOUT PERMIT OR LICENSE UNLAWFUL — APPLICATION FOR PERMIT, CLASSIFICATIONS, FEE — DURATION OF PERMIT. — 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital [outpatient] pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Nonsterile compounding;
- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;
- (10) Class J: Shared service;
- (11) Class K: Internet;
- (12) Class L: Veterinary;
- (13) Class M: Specialty (bleeding disorder);
- (14) Class N: Automated dispensing system (health care facility);
- (15) Class O: Automated dispensing system (ambulatory care);
- (16) Class P: Practitioner office/clinic.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of

pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, administering, prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical product to be used for animals.

5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

6. A "Class B Hospital Pharmacy" shall be defined as a pharmacy owned, managed, or operated by a hospital as defined by section 197.020 or a clinic or facility under common control, management or ownership of the same hospital or hospital system. This section shall not be construed to require a class B hospital pharmacy permit or license for hospitals solely providing services within the practice of pharmacy under the jurisdiction of, and the licensure granted by, the department of health and senior services pursuant to chapter 197.

7. Upon application to the board, any hospital that holds a pharmacy permit or license on the effective date of this section shall be entitled to obtain a class B pharmacy permit or license without fee, provided such application shall be submitted to the board on or before January 1, 2015.

SECTION 1. ASSISTANT PHYSICIANS, PROGRAM TO SERVE IN MEDICALLY UNDERSERVED AREAS, REQUIREMENTS — FUND CREATED — GRANT ELIGIBILITY — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Assistant physician", a person licensed to practice under section 334.036 in a collaborative practice arrangement under section 334.037;

(2) "Department", the department of health and senior services;

(3) "Medically underserved area":

(a) An area in this state with a medically underserved population;

(b) An area in this state designated by the United States secretary of health and human services as an area with a shortage of personal health services;

(c) A population group designated by the United States secretary of health and human services as having a shortage of personal health services;

(d) An area designated under state or federal law as a medically underserved community; or

(e) An area that the department considers to be medically underserved based on relevant demographic, geographic, and environmental factors;

(4) "Primary care", physician services in family practice, general practice, internal medicine, pediatrics, obstetrics, or gynecology;

(5) "Start-up money", a payment made by a county or municipality in this state which includes a medically underserved area for reasonable costs incurred for the establishment of a medical clinic, ancillary facilities for diagnosing and treating patients, and payment of physicians, assistant physicians, and any support staff.

2. (1) The department shall establish and administer a program under this section to increase the number of medical clinics in medically underserved areas. A county or municipality in this state that includes a medically underserved area may establish a medical clinic in the medically underserved area by contributing start-up money for the medical clinic and having such contribution matched wholly or partly by grant moneys from the medical clinics in medically underserved areas fund established in subsection 3 of this section. The department shall seek all available moneys from any source whatsoever, including, but not limited to, moneys from health care foundations to assist in funding the program.

(2) A participating county or municipality that includes a medically underserved area may provide start-up money for a medical clinic over a two-year period. The department shall not provide more than one hundred thousand dollars to such county or municipality in a fiscal year unless the department makes a specific finding of need in the medically underserved area.

(3) The department shall establish priorities so that the counties or municipalities which include the neediest medically underserved areas eligible for assistance under this section are assured the receipt of a grant.

3. (1) There is hereby created in the state treasury the "Medical Clinics in Medically Underserved Areas Fund", which shall consist of any state moneys appropriated, gifts, grants, donations, or any other contribution from any source for such purpose. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. To be eligible to receive a matching grant from the department, a county or municipality that includes a medically underserved area shall:

(1) Apply for the matching grant; and

(2) Provide evidence satisfactory to the department that it has entered into an agreement or combination of agreements with a collaborating physician or physicians for the collaborating physician or physicians and assistant physician or assistant physicians in accordance with a collaborative practice arrangement under section 334.037 to provide primary care in the medically underserved area for at least two years.

5. The department shall promulgate rules necessary for the implementation of this section, including rules addressing:

(1) Eligibility criteria for a medically underserved area;

(2) A requirement that a medical clinic utilize an assistant physician in a collaborative practice arrangement under section 334.037;

(3) Minimum and maximum county or municipality contributions to the start-up money for a medical clinic to be matched with grant moneys from the state;

(4) Conditions under which grant moneys shall be repaid by a county or municipality for failure to comply with the requirements for receipt of such grant moneys;

(5) Procedures for disbursement of grant moneys by the department;

(6) The form and manner in which a county or municipality shall make its contribution to the start-up money; and

(7) Requirements for the county or municipality to retain interest in any property, equipment, or durable goods for seven years including, but not limited to, the criteria for a county or municipality to be excused from such retention requirement.

SECTION 2. JOINT COMMITTEE ON EATING DISORDERS ESTABLISHED, MEMBERS, DUTIES, REPORT. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Eating Disorders", which shall be composed of three members of the senate, three members of the house of representatives, and three members appointed by the governor. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least one member from the minority party of the senate and at least one member from the

minority party of the house of representatives. The governor shall appoint three members, with at least one member representing the insurance industry and at least one member representing an eating disorder advocacy group.

2. The committee shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairperson designate.

3. The committee shall:

(1) Review issues pertaining to the regulation of insurance and other matters impacting the lives of those diagnosed with an eating disorder by taking public testimony from interested parties;

(2) Consider and review the actuarial analysis conducted under section 376.1192; and

(3) Make recommendations to the general assembly for legislative action.

4. By December 31, 2014, the committee shall provide a report to the members of the general assembly and the governor. The report shall include recommendations for legislation pertaining to the regulation of insurance and other matters impacting the lives of those diagnosed with an eating disorder.

Approved July 10, 2014

SB 767 [SS SCS SB 767]

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

Allows the creation of a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency

AN ACT to amend chapter 44, RSMo, by adding thereto one new section relating to the creation of a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency.

SECTION

A. Enacting clause.

44.035. Persons with health-related ailments, voluntary county registry for disasters or emergencies.

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

SECTION A. ENACTING CLAUSE.—Chapter 44, RSMo, is amended by adding thereto one new section, to be known as section 44.035, to read as follows:

44.035. PERSONS WITH HEALTH-RELATED AILMENTS, VOLUNTARY COUNTY REGISTRY FOR DISASTERS OR EMERGENCIES.— Any county may create a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency. No name, address, or any other personal identifying information used in such a voluntary registry shall be deemed a public record under chapter 610. If a disaster or emergency occurs that involves any person listed on the registry, an incident report as defined in section 610.100 shall be made public.

Approved July 3, 2014

SB 773 [SB 773]

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

Allows first responders to drive ground ambulances in certain emergency situations

AN ACT to repeal section 190.105, RSMo, and to enact in lieu thereof two new sections relating to emergency service providers.

SECTION

A. Enacting clause.

190.105. Ambulance license required, exceptions — operation of ambulance services — sale or transfer of ownership, notice required.

190.336. Recall, board members subject to — procedure.

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

SECTION A. ENACTING CLAUSE. — Section 190.105, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 190.105 and 190.336, to read as follows:

190.105. AMBULANCE LICENSE REQUIRED, EXCEPTIONS — OPERATION OF AMBULANCE SERVICES—SALE OR TRANSFER OF OWNERSHIP, NOTICE REQUIRED. — 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. **In emergency situations which require additional medical personnel to assist the patient during transportation, a first responder, firefighter, or law enforcement personnel with a valid drivers' license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.**

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

190.336. RECALL, BOARD MEMBERS SUBJECT TO—PROCEDURE. — 1. Each member of an emergency services board established pursuant to section 190.335 shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.

2. Proceedings may not be commenced against any member if, at the time of commencement, such member:

- (1) Has not held office during his or her current term for a period of more than one hundred eighty days;
- (2) Has one hundred eighty days or less remaining in his or her term; or
- (3) Has had a recall election determined in his or her favor within the current term of office.

3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:

- (1) The name of the board member sought to be recalled;
- (2) A statement, not exceeding two hundred words in length, of the reasons for the proposed recall; and
- (3) The names and business or residential addresses of at least one but not more than five proponents of the recall.

4. Within seven days after the filing of the notice of intention, the board member may file with the election authority a statement, not exceeding two hundred words in length, in answer to the statement of the proponents. If an answer is filed, the board member shall also serve a copy of it, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely to be used for the information of the voters. No insufficiency in form or substance of such statements shall affect the validity of the election proceedings.

5. Before any signature may be affixed to a recall petition, the petition is required to bear all of the following:

- (1) A request that an election be called to elect a successor to the board member;
- (2) A copy of the notice of intention, including the statement of grounds for recall;
- (3) The answer of the board member sought to be recalled, if any exists. If the board member has not answered, the petition shall so state; and
- (4) A place for each signer to affix his or her signature, printed name, and residential address, including any address in a city, town, village, or unincorporated community.

6. Each section of the petition, when submitted to the election authority, shall have attached to it an affidavit signed by the person circulating such section, setting forth all of the following:

- (1) The printed name of the affiant;
- (2) The residential address of the affiant;
- (3) That the affiant circulated that section and saw the appended signatures be written;
- (4) That according to the best information and belief of the affiant, each signature is the genuine signature of the person whose name it purports to be;
- (5) That the affiant is a registered voter of the election district of the board member sought to be recalled; and
- (6) The dates between which all the signatures to the petition were obtained.

7. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.

8. The number of qualified signatures required in order to recall a board member shall be equal in number to at least twenty-five percent of the number of voters who voted in the most recent gubernatorial election in such election district.

9. Within twenty days from the filing of the recall petition the election authority shall determine whether the petition was signed by the required number of qualified signatures. The election authority shall file with the petition a certificate showing the results of the examination. The election authority shall give the proponents a copy of the certificate upon their request.

10. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certification by filing additional petition sections containing all of the information required by this section. Within ten days after the supplemental copies are filed, the election authority shall file with them a certificate stating whether or not the petition as supplemented is sufficient.

11. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.

12. If the election authority finds the signatures on the petition, together with the supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to the sufficiency of the petition to the emergency services board prior to its next meeting. The certificate shall contain:

- (1) The name of the member whose recall is sought;
- (2) The number of signatures required by law;
- (3) The total number of signatures on the petition; and
- (4) The number of valid signatures on the petition.

13. Following the emergency services board's receipt of the certificate, the election authority shall order an election to be held on one of the election days specified in section 115.123. The election shall be held not less than forty-five days but not more than one hundred twenty days from the date the emergency services board receives the petition. Nominations for board membership openings under this section shall be made by filing a statement of candidacy with the election authority.

14. At any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation. If his or her resignation is offered, the recall question shall be removed from the ballot and the office declared vacant. The member who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.

15. The provisions of chapter 115 governing the conduct of elections shall apply, where appropriate, to recall elections held under this section. The costs of the election shall be paid as provided in chapter 115.

Approved July 3, 2014

SB 782 [SS SB 782]

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

Allows an individual with certification from the American Board for Certification of Teacher Excellence to obtain teacher certification in elementary education

AN ACT to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to certification by the American Board for Certification of Teacher Excellence.

SECTION

A. Enacting clause.

168.021. Issuance of teachers' licenses — effect of certification in another state and subsequent employment in this state.

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

SECTION A. ENACTING CLAUSE. — Section 168.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 168.021, to read as follows:

168.021. ISSUANCE OF TEACHERS' LICENSES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE. — 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

- (1) By the state board, under rules and regulations prescribed by it:
 - (a) Upon the basis of college credit;
 - (b) Upon the basis of examination;
- (2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;
- (3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:
 - (a) Recommendation of a state-approved baccalaureate-level teacher preparation program;
 - (b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and
 - (c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;
- (4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or
- (5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, [elementary education,] or special education. **For certification in the area of elementary education, ninety contact hours in the classroom shall be required, of which**

at least thirty shall be in an elementary classroom. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the

possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

Approved July 9, 2014

SB 785 [SCS SB 785]

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

Expands one time temporary boating safety identification card opportunity to include Missouri residents

AN ACT to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boating safety identification cards.

SECTION

A. Enacting clause.

306.127. Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued, when, rules, fee authorized, expiration date.

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

SECTION A. ENACTING CLAUSE. — Section 306.127, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 306.127, to read as follows:

306.127. BOATING SAFETY IDENTIFICATION CARD REQUIRED, WHEN, REQUIREMENTS, FEE — INAPPLICABLE, WHEN — TEMPORARY BOATER SAFETY IDENTIFICATION CARD ISSUED, WHEN, RULES, FEE AUTHORIZED, EXPIRATION DATE. — 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the water patrol division or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the water patrol division. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The water patrol division may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The water patrol division shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the water patrol division and administered by the water patrol division or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The water patrol division or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The water patrol division may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The water patrol division or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;

(3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

(4) Is participating in an event or regatta approved by the water patrol;

(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

- (6) Is exempted by rule of the water patrol;
- (7) Is currently serving in any branch of the United States Armed Forces, reserves, or Missouri National Guard, or any spouse of a person currently in such service; or
- (8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. The water patrol division shall inform other states of the requirements of this section.

6. No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit.

7. Any person or company that rents or sells vessels may issue a temporary boating safety identification card to [a nonresident of the state] **an individual** to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license [establishing that the applicant is a nonresident] and shall sign an affidavit that he or she has reviewed the Missouri state highway patrol handbook of Missouri boating laws and responsibilities. Any [nonresident] **individual** holding a valid temporary boating safety identification card shall be deemed in compliance with the requirements of this section. The Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety identification card. [Nonresidents] **Individuals** shall not be eligible for more than one temporary boating safety identification card. No person or company may issue a temporary boating safety identification card to [a nonresident] **an individual** under the provisions of this subsection unless such person or company is capable of submitting the applicant's temporary boating safety identification card information and payment in an electronic format as prescribed by the Missouri state highway patrol. The business entity issuing a temporary boating safety identification card to [a nonresident] **an individual** under the provisions of this subsection shall transmit the applicant's temporary boating safety identification card information electronically to the Missouri state highway patrol, in a manner and format prescribed by the superintendent, using an electronic online registration process developed and provided by the Missouri state highway patrol. The electronic online process developed and provided by the Missouri state highway patrol shall allow the applicant to pay the temporary boating safety identification card fee by credit card or debit card. Notwithstanding any provision in section 306.185 to the contrary, all fees collected under the authority of this subsection shall be deposited in the water patrol division fund. The Missouri state highway patrol shall promulgate rules for developing the temporary boating safety identification card and any requirements necessary to the issuance, processing, and payment of the temporary boating safety identification card. The Missouri state highway patrol shall, by rule, develop a boating safety checklist for each applicant seeking a temporary boating safety identification card. **Nothing in this subsection shall allow a holder of a temporary boating safety identification card to receive a notation on the person's driver's license or nondriver identification under section 302.184.** The provisions of this subsection shall expire on December 31, 2022.

Approved July 2, 2014

SB 794 [HCS SB 794]

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

Allows certain financial institutions to transfer fiduciary obligations and modifies the law relating to insurance producers and holding companies

AN ACT to repeal sections 362.333, 375.020, and 382.020, RSMo, and to enact in lieu thereof three new sections relating to insurance regulation.

SECTION

- A. Enacting clause.
- 362.333. Irrevocable life insurance trusts, banks and trust companies may transfer fiduciary obligations to bank or company with authorized trust authority.
- 375.020. Continuing education for producers, required, exceptions — procedures — director to promulgate rules and regulations — fees, how determined, deposit of.
- 382.020. Domestic insurers, authorized investments, ownership and management practices.

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

SECTION A. ENACTING CLAUSE. — Sections 362.333, 375.020, and 382.020, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 362.333, 375.020, and 382.020, to read as follows:

362.333. IRREVOCABLE LIFE INSURANCE TRUSTS, BANKS AND TRUST COMPANIES MAY TRANSFER FIDUCIARY OBLIGATIONS TO BANK OR COMPANY WITH AUTHORIZED TRUST AUTHORITY. — In addition to the powers authorized in section 362.332, a bank or trust company [with authorized trust authority and created under the laws of this state] **created under the laws of this or any other state or national bank, with authorized trust authority** may transfer by assignment, for consideration or no consideration, some or all of its fiduciary obligations that consist only of irrevocable life insurance trusts to [the Missouri trust office of an out-of-state bank with trust powers or an out-of-state trust company] **any bank or trust company with authorized trust authority**. The transfer of such irrevocable life insurance trusts shall be subject to the provisions of this section and to all regulatory procedures described in subsections 2 to 7 of section 362.332. On the effective date of the transfer of fiduciary obligations under this section, the transferring bank or trust company shall be released from all transferred fiduciary obligations and shall cease to act as a fiduciary, except that such transferring bank or trust company shall not be relieved of any obligations arising out of a breach of fiduciary duty occurring prior to such effective date.

375.020. CONTINUING EDUCATION FOR PRODUCERS, REQUIRED, EXCEPTIONS — PROCEDURES — DIRECTOR TO PROMULGATE RULES AND REGULATIONS — FEES, HOW DETERMINED, DEPOSIT OF. — 1. Beginning January 1, 2008, each insurance producer, unless exempt pursuant to section 375.016, licensed to sell insurance in this state shall successfully complete courses of study as required by this section. Any person licensed to act as an insurance producer shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of sixteen hours of instruction. Of the sixteen hours' training required in this subsection, the hours need not be divided equally among the lines of authority in which the producer has qualified. The courses or programs attended by the producer during each two-year period shall include instruction on Missouri law, products offered in any line of authority in which the producer is qualified, producers' duties and obligations to the department, and business ethics, including sales suitability. Course credit shall be given to members of the general assembly as determined by the department.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

- (1) American College Courses (CLU, ChFC);
- (2) Life Underwriters Training Council (LUTC);
- (3) Certified Insurance Counselor (CIC);
- (4) Chartered Property and Casualty Underwriter (CPCU);
- (5) Insurance Institute of America (IIA);

(6) Any other professional financial designation approved by the director by rule;
(7) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(8) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized producer association or insurance trade association, or any other entity engaged in the business of providing education courses to producers. A local producer group may also be approved if the instructor receives no compensation for services.

3. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

- (1) Serious physical injury or illness;
- (2) Active duty in the armed services for an extended period of time;
- (3) Residence outside the United States; or
- (4) The licensee is at least seventy years of age.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person. Every provider of continuing education courses authorized in this state shall, within thirty working days of a licensed producer completing its approved course, provide certification to the director of the completion in a format prescribed by the director.

7. The provisions of this section shall not apply to those natural persons holding licenses for any kind or kinds of insurance for which an examination is not required by the law of this state, nor shall they apply to any limited lines insurance producer license or restricted license as the director may exempt.

8. The provisions of this section shall not apply to a life insurance producer who is limited by the terms of a written agreement with the insurer to transact only specific life insurance policies having an initial face amount of [five] **fifteen** thousand dollars or less, or annuities having an initial face amount of [ten] **fifteen** thousand dollars or less, that are designated by the purchaser for the payment of funeral or burial expenses. The director may require the insurer entering into the written agreements with the insurance producers pursuant to this subsection to certify as to the representations of the insurance producers.

9. Rules and regulations necessary to implement and administer this section shall be promulgated by the director, including, but not limited to, rules and regulations regarding the following:

(1) Course content and hour credits: the insurance advisory board established by section 375.019 shall be utilized by the director to assist him in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Filing fees for course approval: every applicant seeking approval by the director of a continuing education course under this section shall pay to the director a filing fee of fifty dollars per course. Fees shall be waived for state and local insurance producer groups. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval. Courses approved by the director prior to August 28, 1993, for which

continuous certification is sought should be resubmitted for approval sixty days before the anniversary date of the previous approval.

10. All funds received pursuant to the provisions of this section shall be transmitted by the director to the department of revenue for deposit in the state treasury to the credit of the insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the insurance dedicated fund by the legislature.

382.020. DOMESTIC INSURERS, AUTHORIZED INVESTMENTS, OWNERSHIP AND MANAGEMENT PRACTICES. — 1. Any domestic insurer, either by itself or in cooperation with one or more persons, may invest in, otherwise acquire or operate one or more subsidiaries engaged or registered to engage in one or more of the following businesses:

- (1) Any kind of insurance business authorized by the laws of the state of Missouri;
- (2) Investing, reinvesting or trading in securities for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;
- (3) Rendering other services including, but not limited to, actuarial, loss prevention, safety engineering, marketing, data processing, accounting, claims, appraisal and collection services, if such services relate to the operations of the insurance business of the insurer; provided, however, that such services shall not include services of salvage of motor vehicles, the mechanical, body or other repair of motor vehicles and the towing or retrieval of motor vehicles;
- (4) Ownership and management of the kinds of assets which the parent corporation could itself own or manage;
- (5) Acting as administrative agent for a governmental instrumentality which is performing an insurance function;
- (6) Financing of insurance premiums;
- (7) Any other business activity determined by the director to be reasonably ancillary to the insurance business of the insurer;
- (8) Owning a corporation or corporations engaged in or organized to engage exclusively in one or more of the businesses specified in this section;
- (9) Acting as an insurance broker or as an insurance agent for its parent or for any of its parent's insurer subsidiaries;
- (10) Management of any investment company subject to or registered pursuant to the federal Investment Company Act of 1940, as amended, including related sales and services;
- (11) Acting as a broker-dealer subject to or registered pursuant to the federal Securities Exchange Act of 1934, as amended; and
- (12) Rendering investment advice to governments, government agencies, corporations or other organizations or groups.

2. In addition, a domestic insurance company may, if it maintains books and records which separately account for such business, engage directly in any business referred to in subdivisions (3), (4), (5), (6) and (7) of subsection 1 of this section, either to the extent necessarily or properly incidental to the insurance business the insurer is authorized to do in this state or to the extent approved by the director and subject to any limitations the director may prescribe for the protection of the interests of the policyholders of the insurer after taking into account the effect of such business on the insurer's existing insurance business and its surplus, the proposed allocation of the estimated costs of such business and the risks inherent in such business as well as the relative advantages to the insurer and its policyholders of conducting such business directly instead of through a subsidiary. Nothing in sections 382.010 to 382.300 shall be deemed to limit the powers of a domestic insurance company existing prior to September 28, 1971.

3. In addition to investments in common stock, preferred stock, debt obligations and other securities permitted domestic insurers, a domestic insurer may also do one or more of the following:

- (1) Invest in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, amounts which do not exceed the lesser of [five] ~~ten~~ percent of such

insurer's assets or fifty percent of such insurer's surplus as regards policyholders, if after such investments the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investment, investments in domestic or foreign insurance subsidiaries shall be excluded, and there shall be included:

(a) Total net moneys or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary whether or not represented by the purchase of capital stock or issuance of other securities; and

(b) All amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to the capital or surplus of a subsidiary subsequent to its acquisition or formation;

(2) With the approval of the director, invest any greater amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, if after such investment the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs;

(3) Invest any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer, provided that each such subsidiary agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in subdivision (1) of this subsection or in other insurance laws applicable to the insurer. For the purpose of this subdivision, the total investment of the insurer shall include:

(a) Any direct investment by the insurer in an asset; and

(b) The insurer's proportionate share of any investment in an asset by any subsidiary of the insurer, which shall be calculated by multiplying the amount of the subsidiary's investment by the percentage of the ownership of such subsidiary.

4. Investments in common stock, preferred stock, debt obligations or other securities made pursuant to subsection 3 of this section shall be made as provided by the statutes of this state.

5. Whether any investment pursuant to subsections 3 and 4 of this section meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations, and the value of all previous investments in equity securities as of the date they are made.

Approved June 27, 2014

SB 796 [SB 796]

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

Establishes a procedure to obtain a marriage license for incarcerated persons

AN ACT to repeal section 451.040, RSMo, and to enact in lieu thereof one new section relating to marriage licenses, with an existing penalty provision, with an emergency clause.

SECTION

A. Enacting clause.

451.040. Marriage license required, waiting period — presence not required, when — application, contents — license void when — common law of marriages void — lack of authority to perform marriage, effect.

B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 451.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 451.040, to read as follows:

451.040. MARRIAGE LICENSE REQUIRED, WAITING PERIOD — PRESENCE NOT REQUIRED, WHEN — APPLICATION, CONTENTS — LICENSE VOID WHEN — COMMON LAW OF MARRIAGES VOID — LACK OF AUTHORITY TO PERFORM MARRIAGE, EFFECT. — 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. **If an applicant is unable to sign the application in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, the recorder of deeds may issue a license if:**

(1) An affidavit or sworn statement is submitted by the incarcerated or military applicant on a form furnished by the recorder of deeds which includes the necessary information for the recorder of deeds to issue a marriage license under this section. The form shall include, but not be limited to, the following:

- (a) The names of both applicants for the marriage license;
- (b) The date of birth of the incarcerated or military applicant;
- (c) An attestation by the incarcerated or military applicant that both applicants are not related;
- (d) The date the marriage ended if the incarcerated or military applicant was previously married;

(e) An attestation signed by the incarcerated or military applicant stating in substantial part that the applicant is unable to appear in the presence of the recording of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant's military officer, or such professional's or official's designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification. However, in the case of an applicant who is called or order to active military duty outside Missouri, acknowledge may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social Security number, a sworn statement by the applicant to that effect; and

(3) A copy of a government-issued identification for the incarcerated or military applicant which contains the applicant's photograph. However, in such case the incarcerated applicant does not have such an identification because the jail or prison to which he or she is confined does not issue an identification with a photo his or her notarized application shall satisfy this requirement.

3. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt

from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

[3.] 4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

[4.] 5. Common-law marriages shall be null and void.

[5.] 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect and uphold the sanctity of marriage, the enactment of section 451.040 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 451.040 is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 451.040 shall be in full force and effect upon its passage and approval.

Approved July 2, 2014

SB 808 [HCS SCS SB 808]

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

Modifies provisions of law relating to the practice of social work

AN ACT to repeal sections 324.024, 334.735, 337.615, 337.643, 337.645, 338.010, 338.020, 338.059, 338.220, 346.010, and 346.055, RSMo, and to enact in lieu thereof thirteen new sections relating to the licensing of certain professions, with an existing penalty provision.

SECTION

- A. Enacting clause.
- 316.265. Hairstyling, employees engaged in at public venues not subject to Chapter 329, RSMo, when.
- 324.024. Applications to contain Social Security numbers, exceptions.
- 334.735. Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
- 337.615. Education, experience requirements — reciprocity — licenses issued, when.
- 337.643. Licensure required for use of title — practice authorized.
- 337.645. Application information required — issuance of license, when.
- 338.010. Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — report.
- 338.020. Application for license — requirements — examination — oath — penalty — military service, effect of.
- 338.059. Prescriptions, how labeled.
- 338.165. Class B pharmacies subject to department inspection, when — definitions — rulemaking authority — certificate of medication therapeutic plan authority required, when — dispensing of medications, requirements — advisory committee.
- 338.220. Operation of pharmacy without permit or license unlawful — application for permit, classifications, fee — duration of permit.
- 346.010. Definitions.
- 346.055. Requirements for licensure.

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

SECTION A. ENACTING CLAUSE. — Sections 324.024, 334.735, 337.615, 337.643, 337.645, 338.010, 338.020, 338.059, 338.220, 346.010, and 346.055, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 316.265, 324.024, 334.735, 337.615, 337.643, 337.645, 338.010, 338.020, 338.059, 338.165, 338.220, 346.010, and 346.055, to read as follows:

316.265. HAIRSTYLING, EMPLOYEES ENGAGED IN AT PUBLIC VENUES NOT SUBJECT TO CHAPTER 329, RSMo, WHEN. — No employee or employer primarily engaged in the practice of combing, braiding, or curling hair without the use of potentially harmful chemicals shall be subject to the provisions of chapter 329 while working in conjunction with any licensee for any public amusement or entertainment venue as defined in this chapter.

324.024. APPLICATIONS TO CONTAIN SOCIAL SECURITY NUMBERS, EXCEPTIONS. — 1. Notwithstanding any provision of law to the contrary, every application for a license, certificate, registration, or permit[, or renewal of a license, certificate, registration, or permit] issued in this state shall contain the Social Security number of the applicant. This provision shall not apply to an original application for a license, certificate, registration, or permit submitted by a citizen of a foreign country who has never been issued a Social Security number and who previously has not been licensed by any other state, United States territory, or federal agency. A citizen of a foreign country applying for licensure with the division of professional registration shall be required to submit his or her visa or passport identification number in lieu of the Social Security number.

2. Notwithstanding any provision of law to the contrary, every application for a renewal of a license, certificate, registration, or permit which did not originally contain the Social Security number of the applicant shall contain the Social Security number of the applicant at the first renewal of the license, certificate, registration, or permit.

3. Following initial application for licensure, certificate, registration, or permit as described in subsection 1 of this section or first renewal application for licensure, certificate, registration, or permit as described in subsection 2 of this section, all subsequent applications shall not contain the Social Security number of the licensee, certificate holder, registrant, or permit holder. All Social Security numbers collected for registered professionals may be maintained on file by the agency in compliance with federal law.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification

by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services.

(2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
 - (2) Performing physical examinations of a patient;
 - (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
 - (4) Performing routine therapeutic procedures;
 - (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
 - (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
 - (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
 - (8) Assisting in surgery;
 - (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
 - (10) Physician assistants shall not perform or prescribe abortions.
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4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; **however, this shall not be construed to prohibit a physician assistant from enrolling with the department of social services as a Medicaid provider while acting under a supervision agreement between the physician and physician assistant.**

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

337.615. EDUCATION, EXPERIENCE REQUIREMENTS — RECIPROCITY — LICENSES ISSUED, WHEN. — 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed **at least** three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. **For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;**

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice clinical social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person meets one of the following criteria:

(1) Has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice clinical social work for the preceding five years; or

(2) Is currently licensed or certified as a clinical social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for clinical social workers.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.643. LICENSURE REQUIRED FOR USE OF TITLE — PRACTICE AUTHORIZED. — 1. No person shall use the title of licensed master social worker and engage in the practice of master social work in this state unless the person is licensed as required by the provisions of this section and section 337.644.

2. A licensed master social worker shall be deemed qualified to practice the applications of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. "Master social work practice" includes the applications of specialized knowledge and advanced practice skills in the management, information and referral, counseling, supervision, consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities. Under supervision as provided in sections 337.600 to 337.689, the practice of master social work may include the practices reserved to clinical social workers or advanced macro social workers for no more than forty-eight consecutive calendar months for the purpose of obtaining licensure under section 337.615 or 337.645. **No licensed master social worker shall practice independently the scope of practice reserved for clinical social workers or advanced macro social workers. This shall mean that any practices reserved to licensed clinical social workers or licensed advanced macro social workers performed by a licensed master social worker shall be for the purpose of obtaining licensure under section 337.615 or 337.645 in an employment setting where either a licensed clinical social worker or a licensed advanced macro social worker is a registered supervisor approved by the state committee for social work.**

337.645. APPLICATION INFORMATION REQUIRED — ISSUANCE OF LICENSE, WHEN. —

1. Each applicant for licensure as an advanced macro social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed **at least** three thousand hours of supervised advanced macro experience with a qualified advanced macro supervisor as defined in section 337.600 in no less than twenty-four months and no more than forty-eight consecutive calendar months. **For any applicant who has successfully completed at least four thousand hours of supervised advanced macro experience with a qualified advanced macro supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;**

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice advanced macro social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice advanced macro social work in this state if the person meets one of the following criteria:

(1) Has received a master's or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice advanced macro social work for the preceding five years; or

(2) Is currently licensed or certified as an advanced macro social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for advanced macro social workers.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — REPORT. — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria, tetanus, pertussis,** and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria, tetanus, pertussis,** and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug

selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

(1) The identity of the patient;

(2) The identity of the vaccine or vaccines administered;

(3) The route of administration;

(4) The anatomic site of the administration;

(5) The dose administered; and

(6) The date of administration.

338.020. APPLICATION FOR LICENSE — REQUIREMENTS — EXAMINATION — OATH — PENALTY — MILITARY SERVICE, EFFECTS OF. — 1. Every person who shall hereafter desire to be licensed as a pharmacist shall file with the board of pharmacy an application setting forth his name and age, the place, or places, at which and the time spent in the study of the science and art of pharmacy, and the practical experience which the applicant has had under the direction of a legally licensed pharmacist, and shall appear at a time and place designated by the board of pharmacy and submit to an examination as to his qualifications for registration as a licensed pharmacist. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. So long as the person involved does not represent or hold himself or herself out as a pharmacist licensed to practice in this state, a Missouri pharmacist license shall not be required for a legally qualified pharmacist serving in the armed forces of the United States or a legally qualified pharmacist employed by the government of the United States or any bureau, division, or agency thereof who is engaged in the practice of pharmacy while in the discharge of his or her official duties.

338.059. PRESCRIPTIONS, HOW LABELED. — 1. It shall be the duty of a licensed pharmacist or a physician to affix or have affixed by someone under the pharmacist's or

physician's supervision a label to each and every container provided to a consumer in which is placed any prescription drug upon which is typed or written the following information:

- (1) The date the prescription is filled;
- (2) The sequential number **or other unique identifier**;
- (3) The patient's name;
- (4) The prescriber's directions for usage;
- (5) The prescriber's name;
- (6) The name and address of the pharmacy;
- (7) The exact name and dosage of the drug dispensed;
- (8) There may be one line under the information provided in subdivisions (1) to (7) of this subsection stating "Refill" with a blank line or squares following or the words "No Refill";
- (9) When a generic substitution is dispensed, the name of the manufacturer or an abbreviation thereof shall appear on the label or in the pharmacist's records as required in section 338.100.

2. The label of any drug which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date, if applicable, batch or lot number and national drug code.

338.165. CLASS B PHARMACIES SUBJECT TO DEPARTMENT INSPECTION, WHEN — DEFINITIONS—RULEMAKING AUTHORITY—CERTIFICATE OF MEDICATION THERAPEUTIC PLAN AUTHORITY REQUIRED, WHEN — DISPENSING OF MEDICATIONS, REQUIREMENTS — ADVISORY COMMITTEE. — 1. As used in this section, the following terms mean:

- (1) "Board", the Missouri board of pharmacy;
- (2) "Hospital", a hospital as defined in section 197.020;
- (3) "Hospital clinic or facility", a clinic or facility under the common control, management, or ownership of the same hospital or hospital system;
- (4) "Medical staff committee", the committee or other body of a hospital or hospital system responsible for formulating policies regarding pharmacy services and medication management;
- (5) "Medication order", an order for a legend drug or device that is:
 - (a) Authorized or issued by an authorized prescriber acting within the scope of his or her professional practice or pursuant to a protocol or standing order approved by the medical staff committee; and
 - (b) To be distributed or administered to the patient by a health care practitioner or lawfully authorized designee at a hospital or a hospital clinic or facility;
- (6) "Patient", an individual receiving medical diagnosis, treatment, or care at a hospital or a hospital clinic or facility.

2. The department of health and senior services shall have sole authority and responsibility for the inspection and licensure of hospitals as provided by chapter 197 including, but not limited to, all parts, services, functions, support functions, and activities which contribute directly or indirectly to patient care of any kind whatsoever. However, the board may inspect a class B pharmacy or any portion thereof that is not under the inspection authority vested in the department of health and senior services by chapter 197 to determine compliance with this chapter or the rules of the board. This section shall not be construed to bar the board from conducting an investigation pursuant to a public or governmental complaint to determine compliance by an individual licensee or registrant of the board with any applicable provisions of this chapter or the rules of the board.

3. The department of health and senior services shall have authority to promulgate rules in conjunction with the board governing medication distribution and the provision of medication therapy services by a pharmacist at or within a hospital. Rules may include, but are not limited to, medication management, preparation, compounding, administration, storage, distribution, packaging and labeling. Until such rules are jointly promulgated, hospitals shall comply with all applicable state law and department of health

and senior services rules governing pharmacy services and medication management in hospitals. The rulemaking authority granted herein to the department of health and senior services shall not include the dispensing of medication by prescription.

4. All pharmacists providing medication therapy services shall obtain a certificate of medication therapeutic plan authority as provided by rule of the board. Medication therapy services may be provided by a pharmacist for patients of a hospital pursuant to a protocol with a physician as required by section 338.010 or pursuant to a protocol approved by the medical staff committee. However, the medical staff protocol shall include a process whereby an exemption to the protocol for a patient may be granted for clinical efficacy should the patient's physician make such request. The medical staff protocol shall also include an appeals process to request a change in specific protocol based on medical evidence presented by a physician on staff.

5. Medication may be dispensed by a class B hospital pharmacy pursuant to a prescription or a medication order.

6. A drug distributor license shall not be required to transfer medication from a class B hospital pharmacy to a hospital clinic or facility for patient care or treatment.

7. Medication dispensed by a class A pharmacy located in a hospital to a hospital patient for use or administration outside of the hospital under a medical staff-approved protocol for medication therapy shall be dispensed only by a prescription order for medication therapy from an individual physician for a specific patient.

8. Medication dispensed by a hospital to a hospital patient for use or administration outside of the hospital shall be labeled as provided by rules promulgated by the department of health and senior services and the board including, medication distributed for administration by or under the supervision of a health care practitioner at a hospital clinic or facility.

9. This section shall not be construed to preempt any law or rule governing controlled substances.

10. Any rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall only become effective if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

11. The board shall appoint an advisory committee to review and make recommendations to the board on the merit of all rules and regulations to be jointly promulgated by the board and the department of health and senior services pursuant to the joint rulemaking authority granted by this section. The advisory committee shall consist of:

(1) Two representatives designated by the Missouri Hospital Association, one of whom shall be a pharmacist;

(2) One pharmacist designated by the Missouri Society of Health System Pharmacists;

(3) One pharmacist designated by the Missouri Pharmacy Association;

(4) One pharmacist designated by the department of health and senior services from a hospital with a licensed bed count that does not exceed fifty beds or from a critical access hospital as defined by the department of social services for purposes of MO HealthNet reimbursement;

(5) One pharmacist designated by the department of health and senior services from a hospital with a licensed bed count that exceeds two hundred beds; and

(6) One pharmacist designated by the board with experience in the provision of hospital pharmacy services.

12. Nothing in this section shall be construed to limit the authority of a licensed health care provider to prescribe, administer, or dispense medications and treatments within the scope of their professional practice.

338.220. OPERATION OF PHARMACY WITHOUT PERMIT OR LICENSE UNLAWFUL — APPLICATION FOR PERMIT, CLASSIFICATIONS, FEE — DURATION OF PERMIT. — 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital [outpatient] pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Nonsterile compounding;
- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;
- (10) Class J: Shared service;
- (11) Class K: Internet;
- (12) Class L: Veterinary;
- (13) Class M: Specialty (bleeding disorder);
- (14) Class N: Automated dispensing system (health care facility);
- (15) Class O: Automated dispensing system (ambulatory care);
- (16) Class P: Practitioner office/clinic.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, administering, prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical product to be used for animals.

5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

6. A "class B hospital pharmacy" shall be defined as a pharmacy owned, managed, or operated by a hospital as defined by section 197.020 or a clinic or facility under common control, management, or ownership of the same hospital or hospital system. This

section shall not be construed to require a class B hospital pharmacy permit or license for hospitals solely providing services within the practice of pharmacy under the jurisdiction of, and the licensure granted by, the department of health and senior services under chapter 197.

7. Upon application to the board, any hospital that holds a pharmacy permit or license on the effective date of this section shall be entitled to obtain a class B pharmacy permit or license without fee, provided such application shall be submitted to the board on or before January 1, 2015.

346.010. DEFINITIONS. — As used in sections 346.010 to 346.250, except as the context may require otherwise, the following terms mean:

- (1) "Audiologist", a clinical audiologist licensed pursuant to chapter 345;
- (2) "Board", the Missouri board of examiners for hearing instrument specialists, which is established in section 346.120;
- (3) "Department", the department of insurance, financial institutions and professional registration;
- (4) "Division", the division of professional registration;
- (5) "Hearing instrument" or "hearing aid", any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and **that can provide more than fifteen decibel full-on gain via a two cc coupler at any single frequency from two hundred through six thousand cycles per second, and** any parts, attachments, or accessories, including earmold, but excluding batteries, cords, receivers and repairs;
- (6) "Hearing instrument specialist" or "specialist", a person licensed by the state pursuant to sections 346.010 to 346.250 who is authorized to engage in the practice of fitting hearing instruments;
- (7) "Hearing instrument specialist in-training", a person who holds a temporary permit issued by the division to fit hearing instruments under the supervision of a hearing instrument specialist;
- (8) "License", a license issued by the state under sections 346.010 to 346.250 to hearing instrument specialists;
- (9) "Otolaryngologist", a person licensed to practice medicine and surgery in the state of Missouri pursuant to chapter 334 and who spends the majority of the person's practice seeing patients with ear, nose, and throat diseases;
- (10) "Person", an individual, corporation, partnership, joint venture, association, trust or any other legal entity;
- (11) "Practice of fitting hearing instruments", the selection, adaptation, and sale of hearing instruments, including the testing and evaluation of hearing by means of an audiometer and the making of impressions for earmolds;
- (12) "Registration of supervision", the process of obtaining a certificate of authority issued by the division to a hearing instrument specialist that enables the specialist to supervise one or more hearing instrument specialists in-training, as defined by division rules;
- (13) "Sell or sale", any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers;
- (14) "Supervised training", the program of education and experience, as defined by division rule, required to be followed by each hearing instrument specialist in-training;
- (15) "Supervisor", a hearing instrument specialist who has filed a registration of supervision with the board and has received from the division a certificate of authority;
- (16) "Temporary permit", a permit issued by the division while the applicant is in training to become a licensed hearing instrument specialist.

346.055. REQUIREMENTS FOR LICENSURE. — 1. An applicant may obtain a license [by successfully passing a qualifying examination of the type described in sections 346.010 to 346.250,] provided the applicant:

(1) Is at least eighteen years of age; and
(2) Is of good moral character; and
(3) **Successfully passes a qualifying examination as described under sections 346.010 to 346.250; and**

(4) (a) Holds an associate's degree or higher, from a state or regionally accredited institution of higher education, in hearing instrument sciences; or

(b) Holds an associate's level degree or higher, from a state or regionally accredited institution of higher education[,] and submits proof of completion of the International Hearing Society's Distance Learning for Professionals in Hearing Health Sciences [course, and submits proof of completion of the Hearing Instrument Specialists in Training program as established by the Board of Examiners for Hearing Instrument Specialists] **Course; or**

(c) Holds a master's or doctoral degree in audiology from a state or regionally accredited institution; or

(d) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction, as determined by the board, are substantially equivalent to or exceed those required in paragraph (a) or (b) of subdivision [(3)] (4) of this subsection; or

(e) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid fitter or dispenser in another jurisdiction for no less than forty-eight of the last seventy-two months, and submits proof of completion of advance certification from either the International Hearing Society or the National Board for Certification in Hearing Instrument Sciences.

2. The provisions of subsection 1 of this section shall not apply to any person holding a valid Missouri hearing instrument specialist license under this chapter when applying for the renewal of that license. These provisions shall apply to any person holding a hearing instrument specialist-in-training permit at the time of their application for licensure or renewal of said permit.

3. (1) The board shall promulgate reasonable standards and rules for the evaluation of applicants for purposes of determining the course of instruction and training required of each applicant for a hearing instrument specialist license under the requirement of subdivision (3) of subsection 1 of this section.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved July 10, 2014

SB 809 [HCS SCS SB 809]

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

Modifies provisions of law regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects

AN ACT to repeal sections 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181,

327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 327.392, 327.401, 327.411, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.623, 327.629, 327.630, 327.631, and 327.635, RSMo, and to enact in lieu thereof fifty new sections relating to licensure by the board for architects, professional engineers, professional land surveyors and professional landscape architects, with an existing penalty provision.

SECTION

- A. Enacting clause.
- 327.011. Definitions.
- 327.031. Board established, membership, officers, qualifications of members — how appointed — terms — vacancy, how filled — may sue and be sued.
- 327.041. Board, powers and duties — rules, generally, this chapter, procedure.
- 327.051. Meetings, when — personnel, employment — compensation of board members.
- 327.076. Licensure required, penalty for violation — complaint procedure.
- 327.081. Fund established, deposits — expenditures, how paid — transferred to general revenue, when.
- 327.091. Practice of architecture defined.
- 327.101. Unauthorized practice prohibited — persons excepted.
- 327.106. Reciprocity for architects licensed in Canada, requirements.
- 327.131. Applicant for license as architect, qualifications.
- 327.141. Application, form, fee.
- 327.151. Examination for license, content — passing grade, how determined.
- 327.161. Reexamination, when.
- 327.171. Professional license, renewal.
- 327.172. Inactive license status granted, when, procedure — return to active status, procedure.
- 327.181. Practice as professional engineer defined — use of titles, restrictions.
- 327.191. Unauthorized practice prohibited, persons excepted.
- 327.221. Applicant for license as professional engineer, qualifications.
- 327.231. Application, form, fee.
- 327.241. Examination for license two-part, how conducted — practical experience required for part two.
- 327.251. Reexamination, when.
- 327.261. Professional license, renewal.
- 327.271. Inactive license, requirements — return to active.
- 327.272. Practice as professional land surveyor defined.
- 327.312. Land surveyor-in-training applicant for enrollment, qualifications — certificate issued when.
- 327.313. Application for enrollment, form, content, references, fee, false affidavit, penalty.
- 327.314. Professional land surveyor, applicant for license, qualifications.
- 327.321. Application — form — references — fee.
- 327.331. Examinations, land surveyor-in-training and land surveyors — notice — content — grade required to pass — effect.
- 327.341. Reexamination, when.
- 327.351. Professional license renewal — expired or suspended license, renewal procedure — professional development requirements for renewal, exception.
- 327.381. Board may license architect, professional engineer, professional land surveyor or professional landscape architect without examination, when.
- 327.392. Professional engineering license issued, when.
- 327.401. Right to practice not transferable — corporation, certificate of authority required.
- 327.411. Personal seal, how used, effect of.
- 327.442. Disciplinary hearing for censure of license to be held, when.
- 327.451. Charges of improper conduct, how filed, contents — administrative hearing commission to hear.
- 327.461. Contract with unlicensed architect, professional engineer, professional land surveyor, or professional landscape architect unenforceable by them.
- 327.600. Definitions.
- 327.603. License required to use title of professional landscape architect.
- 327.607. Examination — authority of board — may obtain services of specially trained persons.
- 327.612. Applicants for licensure as professional landscape architect — qualifications.
- 327.615. Application, form, content, oath or affirmation of truth, penalties for making false affidavit, fee.
- 327.617. Examination — appearance before the board — form, content, and duration of examination — passing grade fixed by the board.
- 327.619. Examination, failure to pass — reexamination, when.
- 327.621. License renewal, fee — failure to renew, effect — reinstatement when — renewal or reregistration form and fee.
- 327.622. Inactive license status permitted, when.

- 327.629. Licensure as professional landscape architect required to practice, exceptions.
327.630. Right to practice as professional landscape architect personal right and not transferable — may practice as member of partnership or corporation.
327.635. Laws not directive to state or political subdivision that they employ professional landscape architects.
327.391. License, examination requirements.
327.623. Licensure without examination, persons licensed in another state, when.
327.631. Refusal to issue, renew or reinstate license, procedure — grounds for — penalties that council may invoke.

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

SECTION A. ENACTING CLAUSE. — Sections 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 327.392, 327.401, 327.411, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.623, 327.629, 327.630, 327.631, and 327.635, RSMo, are repealed and fifty new sections enacted in lieu thereof, to be known as sections 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.392, 327.401, 327.411, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.629, 327.630, and 327.635, to read as follows:

327.011. DEFINITIONS. — As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

(3) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(4) "Architect", any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

(5) "Board", the Missouri board for architects, professional engineers, professional land surveyors and **professional** landscape architects;

(6) "Corporation", any general business corporation, professional corporation or limited liability company;

(7) ["Landscape architect", any person licensed pursuant to the provisions of sections 327.600 to 327.635 who is qualified to practice landscape architecture by reason of special knowledge and the use of biological, physical, mathematical and social sciences and the principles and methods of analysis and design of the land, has demonstrated knowledge and ability in such areas, and has been duly licensed as a landscape architect by the board on the basis of professional education, examination and experience in landscape architecture] "**Design coordination**", the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, architects, professional engineers, professional land surveyors, professional landscape architects, and other consultants;

(8) "Design survey", a survey which includes all activities required to gather information to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system;

(9) "Incidental practice", the performance of other professional services licensed under chapter 327 that are related to a licensee's professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

[(8)] (10) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

[(9)] (11) "Partnership", any partnership or limited liability partnership;

[(10)] (12) "Person", any person, corporation, firm, partnership, association or other entity;

[(11)] (13) "Professional engineer", any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

[(12)] (14) "Professional land surveyor", any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272;

(15) "Professional landscape architect", any person authorized pursuant to the provisions of this chapter to practice as a professional landscape architect in Missouri as the practice of landscape architecture is defined in section 327.600;

(16) "Responsible charge", the independent direct control of a licensee's work and personal supervision of such work pertaining to the practice of architecture, engineering, land surveying, or landscape architecture.

327.031. BOARD ESTABLISHED, MEMBERSHIP, OFFICERS, QUALIFICATIONS OF MEMBERS — HOW APPOINTED — TERMS — VACANCY, HOW FILLED — MAY SUE AND BE SUED. — 1. The "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and **Professional** Landscape Architects" is hereby established and shall consist of fifteen members: a chairperson, who may be either an architect, a professional engineer, a professional land surveyor, or a **professional** landscape architect; three architects, who shall constitute the architectural division of the board; four professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three **professional** landscape architects, who shall constitute its **professional** landscape architectural division; and a voting public member.

2. After receiving his or her commission and before entering upon the discharge of his or her official duties, each member of the board shall take, subscribe to and file in the office of the secretary of state the official oath required by the constitution.

3. The chairperson shall be the administrative and executive officer of the board, and it shall be his or her duty to supervise and expedite the work of the board and its divisions, and, at his or her election, when a tie exists between the divisions of the board, to break the tie by recording his or her vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote when voting on an action pending before the board; each member of the professional engineering division shall have one vote when voting on an action pending before the board; each member of the professional land surveying division shall have one vote when voting on an action pending before the board; and each

member of the **professional** landscape architectural division shall have one vote when voting on an action pending before the board. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this section. Eight voting members of the board, including at least one member of each division, shall constitute a quorum, respectively, for the transaction of board business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division chairperson for a term of two years. Two voting members of each division of the board shall constitute a quorum for the transaction of division business. The chairpersons of the architectural division, professional engineering division, professional land surveying division, and **professional** landscape architectural division so elected shall be vice chairpersons of the board, and when the chairperson of the board is an architect, the chairperson of the architectural division shall be the ranking vice chairperson, and when the chairperson of the board is a professional engineer, the chairperson of the professional engineering division shall be the ranking vice chairperson, when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson, and when the chairperson of the board is a **professional** landscape architect, the chairperson of the **professional** landscape architectural division shall be the ranking vice chairperson. The chairperson of each division shall be the administrative and executive officer of his or her division, and it shall be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless the chairperson shall elect to break such tie by his or her vote.

5. Any person appointed to the board, except a public member, shall be a currently licensed architect, licensed professional engineer, licensed professional land surveyor [or registered] or licensed **professional** landscape architect in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as an architect, professional engineer, professional land surveyor or **professional** landscape architect, as the case may be, for at least ten consecutive years as a **Missouri licensee** immediately preceding such person's appointment, and who is and has been a citizen of the United States for at least five years immediately preceding such person's appointment. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of engineering, for the purposes of this chapter. Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded as active practice of land surveying for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of landscape architecture shall be regarded as active practice of landscape architecture, for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless such person has had at least three years' experience in the active practice of architecture other than in teaching. The public member shall be, at the time of appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of

professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

6. The governor shall appoint the chairperson and the other members of the board when a vacancy occurs either by the expiration of a term or otherwise, and each board member shall serve until such member's successor is appointed and has qualified. [Beginning August 28, 2010,] The position of chairperson shall rotate sequentially with an architect, then professional engineer, then professional land surveyor, then **professional** landscape architect, and shall be a licensee who has previously served as a member of the board. The appointment of the chairperson shall be for a term of four years which shall be deemed to have begun on the date of his or her appointment and shall end upon the appointment of the chairperson's successor. The chairperson shall not serve more than one term. All other appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, **the president of the American Institute of Architects/Missouri if the vacancy to be filled requires the appointment of an architect**, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of [an] **a professional** engineer, the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a **professional** land surveyor, and the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a **professional** landscape architect, shall submit to the director of the division of professional registration a list of five architects or five professional engineers, or five professional land surveyors, or five **professional** landscape architects as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

8. The board may sue and be sued as the Missouri board for architects, professional engineers, professional land surveyors and **professional** landscape architects, and its members need not be named as parties. Members of the board shall not be personally liable either jointly or severally for any act or acts committed in the performance of their official duties as board members, nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

9. Upon appointment by the governor and confirmation by the senate of the landscape architectural division, the landscape architectural council is hereby abolished and all of its powers, duties and responsibilities are transferred to and imposed upon the Missouri board for architects, professional engineers, professional land surveyors and landscape architects established pursuant to this section. Every act performed by or under the authority of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects shall be deemed to have the same force and effect as if performed by the landscape architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the landscape architectural council shall continue in effect and shall be deemed to be duly adopted rules and regulations of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects until such rules and regulations are revised, amended or repealed by the board as provided by law, such action to be taken by the board on or before January 1, 2002.

10. Upon appointment by the governor and confirmation by the senate of the landscape architectural division, all moneys deposited in the landscape architectural council fund created in section 327.625 shall be transferred to the state board for architects, professional engineers, professional land surveyors and landscape architects fund created in section 327.081. The landscape architectural council fund shall be abolished upon the transfer of all moneys in it to the state board for architects, professional engineers, professional land surveyors and landscape architects.]

327.041. BOARD, POWERS AND DUTIES — RULES, GENERALLY, THIS CHAPTER, PROCEDURE. — 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration or certificates of authority provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or **professional** landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and **professional** landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources pursuant to chapter 60.

327.051. MEETINGS, WHEN — PERSONNEL, EMPLOYMENT — COMPENSATION OF BOARD MEMBERS. — 1. The board shall meet at least twice a year at such times and places as are fixed by the board.

2. The board may appoint and employ legal counsel and such board personnel, as defined in subdivision (4) of subsection 10 of section 324.001, as it deems necessary within the appropriation therefor.

3. The board shall keep records of its official acts and decisions and certified copies of any such records attested by the executive director with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed [fifty] **seventy-five** dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of such member's expenses necessarily incurred in the discharge of such member's official duties.

327.076. LICENSURE REQUIRED, PENALTY FOR VIOLATION — COMPLAINT PROCEDURE. — 1. Any person who practices architecture, engineering, land surveying, or

landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or herself out as able to practice such profession and who is not the holder of a currently valid license or certificate of authority in Missouri, and who is not exempt from holding such a license or certificate, is guilty of a class A misdemeanor. As used in this [section] **chapter**, "practice" shall not include the rendering of opinions or giving of testimony in a civil or criminal proceeding by a licensed professional.

2. The board may cause a complaint to be filed with the administrative hearing commission, as provided in chapter 621, against any unlicensed person who:

(1) Engages in or offers to render or engage in the practice of architecture, professional engineering, **professional** land surveying, or **professional** landscape architecture;

(2) Uses or employs titles defined and protected by this chapter, or implies authorization to provide or offer professional services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is licensed or holds a certificate of authority to practice architecture, professional engineering, **professional** land surveying, or **professional** landscape architecture;

(3) Presents or attempts to use another person's license, seal, or certificate of authority as his or her own;

(4) Attempts to use an expired, suspended, revoked, or nonexistent license or certificate of authority;

(5) Affixes his or her or another architect's, **professional** engineer's, **professional** land surveyor's, or **professional** landscape architect's seal on any plans, drawings, specifications or reports which have not been prepared by such person or under such person's immediate personal supervision care;

(6) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure in this state or any other state or jurisdiction;

(7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;

(8) Violates any provision of the code of professional conduct or other rule adopted by the board; or

(9) Violates any provision of subsection 2 of section 327.441.

3. When reviewing complaints against unlicensed persons, the board may initiate an investigation and take all measures necessary to find the facts of any potential violation, including issuing subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

4. If the board files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, either singularly or in combination with other provisions of this chapter, impose a civil penalty as provided for in section 327.077 against the person named in the complaint.

327.081. FUND ESTABLISHED, DEPOSITS — EXPENDITURES, HOW PAID — TRANSFERRED TO GENERAL REVENUE, WHEN. — 1. All funds received pursuant to the provisions of this chapter shall be deposited in the state treasury to the credit of the "State Board for Architects, Professional Engineers, **Professional** Land Surveyors and **Professional** Landscape Architects Fund" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated to the board by the general assembly from this fund.

2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund

at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

327.091. PRACTICE OF ARCHITECTURE DEFINED. — **1.** Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect.

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

327.101. UNAUTHORIZED PRACTICE PROHIBITED — PERSONS EXCEPTED. — No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license or **certificate of authority** as a professional engineer who performs only such [architectural work] **architecture** as [is] incidental **practice** and necessary to the completion of [engineering work] **professional services** lawfully being performed by such licensed professional engineer;

(4) Any person who is a **professional** landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a **professional** landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d),

and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

- (a) A dwelling house; or
- (b) A multiple family dwelling house, flat or apartment containing not more than two families; or
- (c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or
- (d) Any one structure containing less than [twenty] **two** thousand [cubic] **square** feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or
- (e) A building or structure used exclusively for farm purposes;
- (6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned [building described in paragraphs (a), (c), (d) and (e) of subdivision (5) of this section or for a] multiple family dwelling house, flat or apartment containing [not more than] **three or four** families, **provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building** and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;
- (7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business.

327.106. RECIPROCITY FOR ARCHITECTS LICENSED IN CANADA, REQUIREMENTS. — Notwithstanding any provisions of this chapter to the contrary, any applicant for a license to practice architecture who holds a valid license to practice architecture in Canada shall be licensed to practice architecture in this state, if such applicant holds certification pursuant to the terms of the [Inter-Recognition] **Mutual Recognition** Agreement between the National Council of Architectural Registration Boards (NCARB) and the Canadian Architectural [Councils] **Licensing Authorities** and provided the applicant meets all other qualifications for licensure as an architect as provided in this chapter.

327.131. APPLICANT FOR LICENSE AS ARCHITECT, QUALIFICATIONS. — [1.] Any person may apply to the board for [examination and license] **licensure** as an architect who is over the age of twenty-one, is of good moral character, [and is a graduate of and holds] **has acquired** an accredited degree from an accredited degree program from a school of architecture [and has acquired at least three years of satisfactory architectural experience], **holds a certified Intern Development Program (IDP) record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.** [Prior to January 1, 2012, any applicant who possesses the age and character qualifications as provided in this subsection and who has acquired a combined total of twelve years of education, above the high school level, and satisfactory architectural experience may apply to the board for examination and licensure as an architect. Beginning January 1, 2012, all new applicants shall hold an accredited degree from an accredited degree program from a school of architecture.

2. The board shall provide by rule what shall constitute satisfactory architectural experience, based upon recognized education and training equivalents.

3. Beginning January 1, 2002, each applicant who has graduated with an accredited degree from an accredited degree program from a school of architecture shall complete the intern development program (IDP) as defined in the IDP Guidelines: Intern Development Program, 1994, as published by the National Council of Architectural Registration Boards, as amended. Completion of the intern development program shall be deemed to be satisfactory architectural experience.]

327.141. APPLICATION, FORM, FEE. — Applications for [examination and license] **licensure** as an architect shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.151. EXAMINATION FOR LICENSE, CONTENT — PASSING GRADE, HOW DETERMINED. — 1. After [the board] **it has been** determined [upon such inquiry and by such methods as it may consider proper] that [such] **an** applicant possesses the qualifications entitling [such] **the** applicant to be examined, each applicant for examination and [license] **licensure** as an architect shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination or examinations shall be of such form, content and duration as determined by the architectural division of the board to thoroughly test the qualifications of each applicant to practice architecture in Missouri.

3. An applicant to be eligible for [license] **licensure** shall make a passing grade on each examination. The "passing grade" shall be fixed by the board but it shall never be higher than the current "passing grade" determined by the National Council of Architectural Registration Boards.

4. Any person who passes the examination or examinations prescribed by the board shall be entitled to be licensed as an architect in Missouri, subject to the other provisions of this chapter.

327.161. REEXAMINATION, WHEN. — If an applicant fails to make the grade specified in section 327.151, the applicant may apply for reexamination, by [section, on a form furnished to the applicant. If the application is approved, the applicant may take another examination, no sooner than six months after the date of the failed examination] **division, in accordance with the guidelines established by the National Council of Architectural Registration Boards or its successor.**

327.171. PROFESSIONAL LICENSE, RENEWAL. — 1. The professional license, issued to every architect in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the certificate renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect, provided that the board shall not require more professional development hours than that which is recommended by the American Institute of Architects or its successor organization, but not to exceed thirty such hours. The license of any architect or the certificate of authority issued to any corporation which is not renewed [within three months of] **by** the certificate renewal date shall [be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date, as provided in this section, shall] **expire on the renewal date** and be void and the holder of such expired certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose certificate has expired as provided in this section may within **three months of the certificate renewal date or at** the discretion of the board, upon payment of the required fee, be **renewed**, relicensed, or reauthorized under such person's or such corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any architect over the age of seventy-five.

327.172. INACTIVE LICENSE STATUS GRANTED, WHEN, PROCEDURE — RETURN TO ACTIVE STATUS, PROCEDURE. — 1. An architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice architecture within this state, but may continue to use the title "architect".

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of architecture as a condition of [reinstatement] **reactivation**.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting [reinstatement] **reactivation**, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the proficiency in current methods of architecture.

327.181. PRACTICE AS PROFESSIONAL ENGINEER DEFINED — USE OF TITLES, RESTRICTIONS. — 1. Any person practices in Missouri as a professional engineer who renders or offers to render or holds himself or herself out as willing or able to render any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, [engineering] teaching of advanced engineering subjects or courses related thereto, [engineering] **design surveys and studies**, the **design** coordination of services furnished by [structural, civil, mechanical and electrical] engineers and other consultants as they relate to engineering work, **construction observation** and the inspection of construction for the purpose of compliance with drawings and specifications, any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems or projects and including such architectural work as is incidental to the practice of engineering; or who uses the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or who shall use any word or words, letters, figures, degrees, titles or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering.

2. **Professional engineers shall be in responsible charge of all engineering design of buildings, structures, products, machines, processes, and systems that can affect the health, safety, and welfare of the public within their scope of practice.**

3. Notwithstanding any provision of subsection 1 of this section, any person using the word "engineer", "engineers", or "engineering", alone or preceded by any word, or in combination with any words, may do so without being subject to disciplinary action by the board so long as such use is reflective of that person's profession or vocation and is clearly not indicating or implying that such person is holding himself or herself out as being a professional engineer or is willing or able to practice engineering as defined in this section.

327.191. UNAUTHORIZED PRACTICE PROHIBITED, PERSONS EXCEPTED. — No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and

until there is issued to such person a professional license or a certificate of authority certifying that such person has been duly licensed as a professional engineer or authorized to practice engineering in Missouri, and unless such license or certificate has been renewed as provided in section 327.261; provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, **and does not affect the health, safety, and welfare of the public;**

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, **and does not affect the health, safety, and welfare of the public;**

(4) Any holder of a currently valid license or certificate of authority as an architect, **professional land surveyor, or professional landscape architect** who performs only such engineering [work] as [is] incidental **practice** and necessary to the completion of [architectural work] **professional services** lawfully being performed by such architect, **professional land surveyor, or professional landscape architect;**

(5) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business.

327.221. APPLICANT FOR LICENSE AS PROFESSIONAL ENGINEER, QUALIFICATIONS. —

Any person may apply to the board for [examination and license] **licensure** as a professional engineer who is over the age of twenty-one, who is of good moral character, and who is a graduate of and holds a degree in engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after such person has graduated and has received a degree or education as provided in this section; provided that the board shall by rule provide what shall constitute satisfactory engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has graduated from and has received a degree from an accredited school of engineering or after receiving an education as provided in this section shall count as equivalent years of satisfactory engineering experience.

327.231. APPLICATION, FORM, FEE. — Applications for [examination and license] **licensure** as a professional engineer shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous engineering examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing such application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.241. EXAMINATION FOR LICENSE TWO-PART, HOW CONDUCTED — PRACTICAL EXPERIENCE REQUIRED FOR PART TWO. — 1. After [the board] it has **been** determined [upon such inquiry and by such methods as it may consider proper] that an applicant possesses the qualifications entitling [such] **the** applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination or examinations shall be of such form, content and duration as shall be determined by the board, to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section, who has acquired at least four years of satisfactory engineering experience, may take part two of the engineering examination and upon passing it shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may then acquire four years of satisfactory engineering experience and thereafter take both parts of the examination and upon passing shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

8. Any person entitled to be licensed as a professional engineer as provided in subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as provided by rule before issuing to him a license.

327.251. REEXAMINATION, WHEN. — If an applicant fails to make the grade specified in section 327.241, such applicant may apply for reexamination [on a form to be furnished by the board, and if the application is approved, the applicant may take another examination or examinations at any regularly scheduled examination upon payment of the required fee] **in accordance with the guidelines established by the National Council of Examiners for Engineering and Surveying or its successor.**

327.261. PROFESSIONAL LICENSE, RENEWAL. — 1. The professional license issued to every professional engineer in Missouri, including certificates of authority issued to corporations as hereinafter provided, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education

requirements as a condition to renewing the license of a professional engineer, provided that the board shall not require more professional development hours than that which is recommended by the National Council of Examiners for Engineering and Surveying or its successor organization, but not to exceed thirty such hours. The license of any professional engineer or the certificate of authority of any such corporation which is not renewed [within three months of] **by** the certificate renewal date shall [be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date, as above provided, shall] **expire on the renewal date** and be void and the holder of the expired license or certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose license or certificate has expired as aforesaid may within **three months of the certificate renewal date or at** the discretion of the board, upon payment of the required fee, be **renewed**, relicensed, or reauthorized under such person's or such corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional engineer over the age of seventy-five.

327.271. INACTIVE LICENSE, REQUIREMENTS — RETURN TO ACTIVE. — 1. A professional engineer licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the license meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice professional engineering within this state, but may continue to use the title "professional engineer" or the initials "P.E." after such person's name.

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency and skill in the practice of professional engineering as a condition of [reinstatement] **reactivation**.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting [reinstatement] **reactivation**, that person may be required to take the principles and practice of engineering examination.

327.272. PRACTICE AS PROFESSIONAL LAND SURVEYOR DEFINED. — 1. A professional land surveyor shall include any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words including, but not limited to "registered", "professional" or "land" indicating or implying that the person is or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of land surveying, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;

(2) **The** monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

- (3) The subdivision of land into smaller tracts **and preparation of property descriptions;**
 (4) **The survey and location of rights-of-way and easements;**
 (5) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection;
 [(5)] (6) Consultation, investigation, **design surveys**, evaluation, planning, design and execution of surveys;
 [(6)] (7) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;
 [(7)] (8) Monumentation of geodetic control and the determination of their horizontal and vertical positions;
 [(8)] (9) Establishment of state plane coordinates;
 [(9)] (10) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;
 [(10)] (11) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;
 [(11)] (12) Layout of proposed improvements;
 [(12)] (13) The determination of azimuths by astronomic observations.
2. None of the specific duties listed in subdivisions [(4)] (5) to [(12)] (13) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term "real property rights" means a recordable interest in real estate as it affects the location of land boundary lines.
3. **Professional land surveyors shall be in responsible charge of all drawings, maps, surveys, and other work product that can affect the health, safety, and welfare of the public within their scope of practice.**
4. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering **or professional landscape architecture** as provided in sections 327.091 [and], 327.181, **and 327.600.**
- [4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185.]

327.312. LAND SURVEYOR-IN-TRAINING APPLICANT FOR ENROLLMENT, QUALIFICATIONS — CERTIFICATE ISSUED WHEN. — 1. Any person may apply to the board for [examination and] enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

- (1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or
- (2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or
- (3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary

education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

327.313. APPLICATION FOR ENROLLMENT, FORM, CONTENT, REFERENCES, FEE, FALSE AFFIDAVIT, PENALTY. — Applications for [examination and] enrollment as a land surveyor-in-training shall be [printed] **typewritten** on prescribed forms furnished to the applicant. The application shall contain applicant's statements showing the applicant's education, experience and such other pertinent information as the board may require, including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.314. PROFESSIONAL LAND SURVEYOR, APPLICANT FOR LICENSE, QUALIFICATIONS. — [1.] Any person may apply to the board for [examination and] licensure as a professional land surveyor who has been enrolled as a land surveyor-in-training and has presented evidence to the satisfaction of the board that said person has acquired at least four years of satisfactory professional field and office experience in land surveying from the date of enrollment as a land surveyor-in-training. This experience shall have been under the immediate personal supervision of a professional land surveyor.

[2. At any time prior to January 1, 2006, any applicant enrolled as a land surveyor-in-training under the provisions of subsection (1) or (2) of section 327.312 must have acquired at least two years of satisfactory professional field and office experience in land surveying under the immediate supervision of a professional land surveyor. Any person who applied for enrollment as a land surveyor-in-training under the provisions of subsection (3) of section 327.312 must have acquired at least one year of satisfactory professional field and office experience in land surveying under the immediate supervision of a professional land surveyor.]

327.321. APPLICATION — FORM — REFERENCES — FEE. — Applications for [examination and] licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require, including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.331. EXAMINATIONS, LAND SURVEYOR-IN-TRAINING AND LAND SURVEYORS — NOTICE — CONTENT — GRADE REQUIRED TO PASS — EFFECT. — 1. After [the board] **it** has **been** determined [upon such inquiry and by such methods as it may consider proper] that an applicant possesses the qualifications entitling [such] **the** applicant to be examined, each applicant for examination and enrollment as a land surveyor-in-training and for examination and [license] **licensure** as a professional land surveyor in Missouri shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to become enrolled as a land surveyor-in-training or to [be] become licensed as a professional land surveyor in Missouri.

3. Any applicant to be eligible for enrollment or for license must make a grade on the applicable examination of at least seventy percent.

4. Any person who passes the examination hereinabove specified shall be entitled to be enrolled as a land surveyor-in-training or licensed as a professional land surveyor, as the case may be, in Missouri and shall receive a certificate of enrollment or a license, as the case may be.

327.341. REEXAMINATION, WHEN. — If an applicant fails to make the required grade specified in section 327.331, such applicant may apply for reexamination [on a form to be furnished by the board, and if such application is approved, the applicant may take another examination or examinations at such time and place as is specified by the board. The reexamination shall be governed by the provisions of section 327.331] **in accordance with the guidelines established by the National Council of Examiners for Engineering and Surveying or its successor.**

327.351. PROFESSIONAL LICENSE RENEWAL — EXPIRED OR SUSPENDED LICENSE, RENEWAL PROCEDURE — PROFESSIONAL DEVELOPMENT REQUIREMENTS FOR RENEWAL, EXCEPTION. — 1. The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed [within three months of] **by** the renewal date shall [be suspended automatically, subject to the right of the holder of such suspended license or certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall] **expire on the renewal date** and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within **three months of the certificate renewal date or at** the discretion of the board and upon payment of the required fee, be **renewed, reregistered, or relicensed** under such person's or corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional land surveyor over the age of seventy-five.

3. [Beginning January 1, 1996,] As a condition for renewal of a license issued pursuant to section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the license of any license holder who has failed to complete the professional development requirements pursuant to subsection 3 of this section, unless such license holder can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the license holder to make up all outstanding required units of professional development.

5. A license holder may at any time prior to the termination of his or her license request to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee determined by the board. Holders of inactive licenses shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive licenses shall not practice as professional land surveyors within this state, but may continue to use the title

"professional land surveyor" or the initials "PLS" after such person's name. If the board determines that good cause was shown, the board shall permit the professional land surveyor to make up all outstanding required units of professional development.

6. [A holder of an inactive license may return such license to an active license to practice professional land surveying by paying the required fee, and either:

(1) Completing one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The maximum requirement for professional development units shall be two and one-half times the two-year requirement. The minimum requirement for professional development units shall be no less than the two-year requirement. Such requirement shall be satisfied within the two years prior to the date of reinstatement; or

(2) Taking] **If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of land surveying as a condition of reactivation.**

7. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

[7.] **8.** Exemption to the required professional development units shall be granted to [registrants] **licensees** during periods of serving honorably on full-time active duty in the military service.

[8.] **9.** At the time of application for license renewal, each licensee shall report, on a form provided by the board, the professional development activities undertaken during the preceding renewal period to satisfy the requirements pursuant to subsection 3 of this section. The licensee shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

327.381. BOARD MAY LICENSE ARCHITECT, PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL LANDSCAPE ARCHITECT WITHOUT EXAMINATION, WHEN. — [The board shall issue a license to any architect, professional engineer, professional land surveyor or landscape architect who has been licensed in another state, territory or possession of the United States, or in another country, provided that the board is satisfied by proof adduced by such applicant that the applicant's qualifications meet or exceed the requirements for initial licensure in Missouri at the time of the applicant's initial license.] **The board may license, in its discretion, any architect, professional engineer, professional land surveyor, or professional landscape architect licensed in another state or territory of the United States, province of Canada, or in another country, when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor, or professional landscape architect in this state,** and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, and provided further that the board is satisfied by proof adduced by such applicant that the applicant is of good moral character, and provided further that any such application is accompanied by the required fee [which shall be equal to the examination fee].

327.392. PROFESSIONAL ENGINEERING LICENSE ISSUED, WHEN. — 1. The board shall upon application issue a professional engineering license to any individual who holds a degree at the bachelor's level or higher in engineering and who has at least twenty years of satisfactory

engineering experience, and who passes part two of the [written] examination defined in section 327.241, provided that any such application is accompanied by the required fee.

2. The board shall upon application issue a professional engineering license to any individual who holds a degree from an Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (ABET, INC.) or its equivalent and a doctorate in engineering from an institution that offers Engineering Accreditation Commission programs, and who passes part two of the [written] examination defined in section 327.241, provided that any such application is accompanied by the required fee. The doctorate degree must be approved by the board for the candidate to qualify.

327.401. RIGHT TO PRACTICE NOT TRANSFERABLE — CORPORATION, CERTIFICATE OF AUTHORITY REQUIRED. — 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a **professional** landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any **professional** landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or **professional** landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or **professional** landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying or **professional** landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or **professional** landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying or **professional** landscape architectural services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or **professional** landscape architectural activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a **professional** landscape architect licensed and authorized to practice **professional** landscape architecture in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or **professional** landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or **professional** landscape architecture, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

327.411. PERSONAL SEAL, HOW USED, EFFECT OF. — 1. Each architect and each professional engineer and each professional land surveyor and each **professional** landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final [documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments] **technical submissions**. **Technical submissions shall include, but are not limited to, drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction** prepared by the licensee, or under such licensee's immediate personal supervision. Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.

2. The personal seal of an architect or professional engineer or professional land surveyor or **professional** landscape architect shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, **land** surveying, or landscape architectural documents, as the case may be, when the licensee places his or her personal seal on such [plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or] **technical submissions** to be used in connection with, any architectural or engineering project, survey, or landscape architectural project. Licensees shall undertake to perform architectural, professional engineering, professional land surveying and **professional** landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.

3. Notwithstanding any provision of this section, any architect, professional engineer, professional land surveyor, or **professional** landscape architect may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular [plans, specifications, plats, reports, surveys or other documents or instruments] **technical submissions**, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other [plans, specifications, estimates, reports, or other documents or instruments] **technical submissions** relating to or intended to be used for any part or parts of the architectural or engineering project or survey or landscape architectural project.

4. Nothing in this section, or any rule or regulation of the board shall require any professional to seal preliminary or incomplete documents.

327.442. DISCIPLINARY HEARING FOR CENSURE OF LICENSE TO BE HELD, WHEN. — 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure or authority, has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution pursuant to the laws of this state, the laws of any other state, territory, or the laws of the United States of America for any offense reasonably related to the qualifications, functions, or duties of a licensee pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors and **professional** landscape architects may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license or certificate.

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors and **professional** landscape architects may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

327.451. CHARGES OF IMPROPER CONDUCT, HOW FILED, CONTENTS — ADMINISTRATIVE HEARING COMMISSION TO HEAR. — 1. Any person who believes that an architect or a professional engineer or a professional land surveyor **or a professional landscape architect** has acted or failed to act so that his or her license or certificate of authority should, pursuant to the provisions of this chapter, be suspended or revoked, or who believes that any applicant for a license or certificate of authority pursuant to the provisions of this chapter is not entitled to a license or a certificate of authority, may file a written affidavit with the executive director of the board which the affiant shall sign and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge or charges that the license or certificate of an architect or professional engineer or professional land surveyor should be suspended or revoked or not renewed or that a license or certificate should not be issued to an applicant.

2. If the affidavit so filed does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's license or certificate, or does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or certificate or the refusal of a license or certificate to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize pursuant to the provisions of this chapter the revocation or suspension of an accused's license or certificate, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license or certificate of authority should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

4. If the charges contained in the affidavit filed with the board would constitute a cause or causes for which pursuant to the provisions of this chapter an accused's license or certificate of authority should not be renewed or a cause or causes for which pursuant to the provisions of this chapter a certificate should not be issued, the board shall cause an investigation to be made of the charge or charges and unless the investigation discloses the falsity of the facts upon which the charge or charges contained in the affidavit are based, the board shall refuse to permit an applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue or renew a license or certificate of authority, as the case may require.

5. The provisions of this section shall not be so construed as to prevent the board on its own initiative from instituting and conducting investigations and based thereon to make written complaints in and to the administrative hearing commission.

6. If for any reason the provisions of chapter 621 become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536.

327.461. CONTRACT WITH UNLICENSED ARCHITECT, PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR PROFESSIONAL LANDSCAPE ARCHITECT UNENFORCEABLE BY THEM. — Every contract for architectural or engineering or land surveying **or landscape architectural** services entered into by any person who is not an architect or professional engineer or professional land surveyor **or professional landscape architect**, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unlicensed or unauthorized person, whether in contract, quantum meruit or other legal theory, regardless of whether a benefit has been conferred.

327.600. DEFINITIONS. — As used in sections 327.600 to 327.635, the following terms mean:

(1) ["Landscape architecture", the performance of professional services, including but not limited to consultations, research, planning, design or responsible supervision in connection with the development of land, in which the dominant purpose of such professional services is the preservation, enhancement or determination of land uses, natural land features, ground cover and planting, naturalistic and esthetic value, settings and approaches to structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazard;

(2)] "Practice of **professional** landscape architecture", the location and arrangement of such tangible objects and features as are [incidental and] necessary to the purposes specified in the definition of landscape architecture, but shall not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture, and shall not include the making of final land plats for official approval or recording;

(2) "**Professional landscape architecture**", the performance of professional services, including but not limited to consultations, research, analysis, planning, design, or responsible supervision in connection with feasibility studies, design surveys, formulation of graphic and written criteria to govern the planning and design of land construction programs, preparation, review, and analysis of master plans for land use and development, production of site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details, specifications, and reports for land development, design coordination, construction observation and the inspection of landscape architectural construction for the purpose of compliance with drawings and specifications.

327.603. LICENSE REQUIRED TO USE TITLE OF PROFESSIONAL LANDSCAPE ARCHITECT. — 1. [One year from the appointment of the landscape architecture division,] No person shall practice or offer to practice, or hold himself or herself out as a **professional** landscape architect or as being able to practice landscape architecture in this state or to use in connection with his or her name or otherwise assume, or advertise unless he or she is licensed as required by this chapter. Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while performing duties for the state of Missouri or a political subdivision, provided the project does not jeopardize the public health, safety and welfare. Sections 327.600 to 327.635 shall not be construed to prohibit those persons engaged in nursery occupations, gardeners, landscape contractors, home builders or residential developers from preparing planting plans and items incidental thereto, provided the project scope does not jeopardize the public health, safety and welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any other legally recognized profession as governed by applicable law. Nothing contained in this section shall under any circumstances be construed as in anyway affecting the laws relating to the practice, licensing, certification or registration of architects, **professional** engineers and **professional** land surveyors. An architect, **professional** engineer or **professional** land surveyor licensed, certified or registered to practice his or her profession or occupation pursuant to the provisions of any law to regulate the practice of such profession or occupation is exempt from licensing as a **professional** landscape architect, and nothing contained in this section shall under any circumstances be construed as in anyway precluding an architect or **professional** engineer from performing any of the services included within the definition of the term landscape architecture in section 327.600.

2. [The licensure requirement shall be waived for those persons who hold a current registration by the division as a landscape architect on or before August 28, 2001, provided that application is made on a form prescribed by the board on or before December 31, 2002. The licensure requirement shall be waived for those persons whose certificates of registration have expired on or before August 28, 2002, by being approved by the board for reinstatement of

expired registration and then making application for licensure on a form prescribed by the board on or before December 31, 2002.] **Professional landscape architects shall be in responsible charge of all landscape architectural designs that can affect the health, safety, and welfare of the public within their scope of practice.**

327.607. EXAMINATION — AUTHORITY OF BOARD — MAY OBTAIN SERVICES OF SPECIALLY TRAINED PERSONS. — The board shall conduct all examinations, determine which applicants have successfully passed the examinations and recommend each such applicant to the division for licensure as a **professional** landscape architect. The board may obtain the services of specially trained and qualified persons or organizations to assist in conducting examinations of applicants for licensure. Certification of an applicant's technical qualifications by the [council of landscape architectural registration boards] **Council of Landscape Architectural Registration Boards (CLARB)** may be accepted by this state's board as establishing such qualifications and the applicant shall not be required to pass any further examination.

327.612. APPLICANTS FOR LICENSURE AS PROFESSIONAL LANDSCAPE ARCHITECT — QUALIFICATIONS. — Any person who is of good moral character, has attained the age of twenty-one years, and has a degree in landscape architecture from an accredited school of landscape architecture and has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree may apply to the board for [examination and] licensure as a **professional** landscape architect.

327.615. APPLICATION, FORM, CONTENT, OATH OR AFFIRMATION OF TRUTH, PENALTIES FOR MAKING FALSE AFFIDAVIT, FEE. — Applications for [examinations and] licensure as a **professional** landscape architect shall be typewritten on forms approved by the board. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous **professional** landscape architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application subject to the penalties of making a false affidavit or declaration, and shall be accompanied by the required fee.

327.617. EXAMINATION — APPEARANCE BEFORE THE BOARD — FORM, CONTENT, AND DURATION OF EXAMINATION — PASSING GRADE FIXED BY THE BOARD. — 1. After [the board] it has **been** determined [upon such inquiry and by such methods as it may consider proper] that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a **professional** landscape architect shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination shall be of such form, content and duration as determined by the **professional landscape architectural division of the board** to thoroughly test the qualifications of each applicant to **practice landscape architecture in Missouri**.

3. **An applicant to be eligible for licensure shall make a passing grade on each examination. The "passing grade" shall be fixed by the board but it shall never be higher than the current "passing grade" determined by the Council of Landscape Architectural Registration Boards.**

4. Any person who passes the examination prescribed by the board shall be entitled to be licensed as a **professional** landscape architect in Missouri, subject to the other provisions of sections 327.600 to 327.635.

327.619. EXAMINATION, FAILURE TO PASS — REEXAMINATION, WHEN. — If an applicant fails to pass the examination, [he] **such applicant** may [make application for reexamination on a form furnished to the applicant, and may] take another examination at the next scheduled examination.

327.621. LICENSE RENEWAL, FEE — FAILURE TO RENEW, EFFECT — REINSTATEMENT WHEN — RENEWAL OR REREGISTRATION FORM AND FEE. — 1. The professional license issued to every **professional** landscape architect in Missouri, and certificates of authority issued to corporations under section 327.401, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a **professional** landscape architect, provided that the board shall not require more than thirty such hours. The license of a **professional** landscape architect or the certificate of authority issued to any corporation which is not renewed [within three months of] **by** the renewal date shall [be suspended automatically, subject to the right of the holder thereof to have such suspended license reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall] expire **on the renewal date** and be void and the holder thereof shall have no rights or privileges thereunder; provided, however, any person or corporation whose license has expired under this section may within **three months of the certificate renewal date or at** the discretion of the board, upon payment of the fee, be **renewed**, relicensed, or reauthorized under such person's or such corporation's original license number.

2. Each application for the renewal of a license shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any **professional** landscape architect over the age of seventy-five.

327.622. INACTIVE LICENSE STATUS PERMITTED, WHEN. — 1. A **professional** landscape architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice landscape architecture within this state, but may continue to use the title "**professional** landscape architect" **or the initials "PLA" after such person's name.**

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of landscape architecture as a condition of [reinstatement] **reactivation.**

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting [reinstatement] **reactivation**, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate proficiency in the knowledge of current methods of landscape architecture.

327.629. LICENSURE AS PROFESSIONAL LANDSCAPE ARCHITECT REQUIRED TO PRACTICE, EXCEPTIONS. — No person shall practice as a **professional** landscape architect in Missouri as defined in section 327.600 unless and until the board has issued to him or her a license **or certificate of authority** certifying that he or she has been duly licensed as a **professional** landscape architect in Missouri, and unless such licensure has been renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be construed [as authorizing a landscape architect to engage in the practice of architecture,

engineering, land surveying or to affect or prevent the practice of architecture by an architect licensed pursuant to the laws of this state, or to affect or prevent the practice of engineering by a professional engineer licensed pursuant to the laws of this state, or to affect or prevent the practice of land surveying by a land surveyor licensed pursuant to the laws of this state; or to apply to any person licensed as an architect, professional engineer or land surveyor in this state except that] **to require licensing of a person or corporation who is offering, but not performing or rendering, landscape architectural services if the person or corporation is licensed to practice landscape architecture in the state or country of residence or principal place of business.** No person shall hold themselves out to be a **professional** landscape architect unless licensed pursuant to the provisions of sections 327.600 to 327.635.

327.630. RIGHT TO PRACTICE AS PROFESSIONAL LANDSCAPE ARCHITECT PERSONAL RIGHT AND NOT TRANSFERABLE — MAY PRACTICE AS MEMBER OF PARTNERSHIP OR CORPORATION. — The right to practice as a **professional** landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his or her license and shall not be transferable; provided, however, that any licensed **professional** landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation.

327.635. LAWS NOT DIRECTIVE TO STATE OR POLITICAL SUBDIVISION THAT THEY EMPLOY PROFESSIONAL LANDSCAPE ARCHITECTS. — Nothing contained in sections 327.600 to 327.635 shall be considered as a directive to any state department of administration or any political subdivision thereof to employ a **professional** landscape architect.

[**327.391. LICENSE, EXAMINATION REQUIREMENTS.** — The board shall upon application issue a license to any individual who has at least twenty years of satisfactory experience, and who passes the Fundamentals of Land Surveying examination, the Professional Land Surveying examination, and the Missouri state specific examination provided that any such application is accompanied by the required fee.]

[**327.623. LICENSURE WITHOUT EXAMINATION, PERSONS LICENSED IN ANOTHER STATE, WHEN.** — The board may license, in its discretion and without examination, any landscape architect certified, licensed or registered in another state or territory of the United States when such applicant has qualifications which are at least equivalent to the requirements for licensure as a landscape architect in this state.]

[**327.631. REFUSAL TO ISSUE, RENEW OR REINSTATE LICENSE, PROCEDURE — GROUNDS FOR — PENALTIES THAT COUNCIL MAY INVOKE.** — 1. The board may refuse to issue any license required pursuant to section 327.629, or renewal or reinstatement thereof, for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by section 327.629 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated pursuant to sections 327.600 to

327.635, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any license or authority, permit or license issued pursuant to sections 327.600 to 327.635 or in obtaining permission to take any examination given or required pursuant to sections 327.600 to 327.635;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 327.600 to 327.635;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 327.600 to 327.635, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a license or authority, permit or license allowing any person to use his or her certificate or diploma from any school;

(7) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 327.600 to 327.635 granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Issuance of a license based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapters 536 and 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.]

Approved June 30, 2014

SB 812 [SB 812]

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

Requires the Department of Economic Development to open an office in Israel

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to a department of economic development office in Israel.

SECTION

A. Enacting clause.
620.3100. Office to be established, purpose, subject to appropriations.

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

SECTION A. ENACTING CLAUSE. — Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.3100, to read as follows:

620.3100. OFFICE TO BE ESTABLISHED, PURPOSE, SUBJECT TO APPROPRIATIONS. — The department of economic development shall establish an office in Israel for the purpose of promoting strategic partnerships between Israel based companies and Missouri based companies. Such partnerships shall have the express purpose of strengthening and increasing the competitive edge of Missouri companies in the fields of agriculture, bio-technology, and other emerging fields. The staff of the department's office in Israel shall work in conjunction with relevant business and trade organizations throughout Missouri to promote these purposes as well as bi-lateral trade in the region. The requirement for the department of economic development to establish an office in Israel is contingent upon an appropriation for such purpose.

Approved July 2, 2014

SB 818 [SB 818]

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

Expands allowable uses for aviation trust fund moneys and modifies requirements for specified limited uses

AN ACT to repeal section 305.230, RSMo, and to enact in lieu thereof one new section relating to the state aviation trust fund.

SECTION

A. Enacting clause.

305.230. Aeronautics program, highways and transportation commission to administer — purposes — aviation trust fund, administration, uses — appropriation — immediate availability of funds in the event of a disaster.

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

SECTION A. ENACTING CLAUSE. — Section 305.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 305.230, to read as follows:

305.230. AERONAUTICS PROGRAM, HIGHWAYS AND TRANSPORTATION COMMISSION TO ADMINISTER — PURPOSES — AVIATION TRUST FUND, ADMINISTRATION, USES — APPROPRIATION — IMMEDIATE AVAILABILITY OF FUNDS IN THE EVENT OF A DISASTER. —

1. The state highways and transportation commission shall administer an aeronautics program within this state. The commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for

a period equal to the useful life of the project as determined by the commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to ninety percent state/ten percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans [and], airport layout plans, **airport business plans, and strategic plans** at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(m) If at least [six] **four million five hundred thousand** dollars is deposited into the aviation trust fund in the previous calendar year, [up to two million dollars may be expended annually upon] **funds may be spent for** the study or promotion of expanded domestic or international scheduled commercial service, the study or promotion of intrastate scheduled commercial service, **the promotion of aviation in the state**, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service, **subject to the following provisions:**

a. No more than two million dollars may be spent from the aviation trust fund for the purposes provided in this paragraph in any calendar year; and

b. The commission shall be required to expend at least four million dollars of the annual, calendar year deposits into the aviation trust fund for purposes other than the purposes described in this paragraph;

- (2) As total funds, with no local match:
- (a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;
 - (b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the commission;
 - (c) For the conducting of aviation safety workshops;
 - (d) For the promotion of aerospace education;
- (3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the United States Department of Defense, except no more than one hundred sixty-seven thousand dollars per year may be used for any individual control tower;
- (4) As total funds with a local match, up to five hundred thousand dollars per year may be used for air traffic control towers partially funded by the federal government under a cost-share program. Any expenditures under this program require a nonfederal match, comprised of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand dollars per year may be expended for any individual control tower.
5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the commission. For projects designated as emergencies by the commission, all requirements relating to normal procurement of engineering and construction services are waived.
6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010 or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport.

Approved June 30, 2014

SB 842 [SB 842]

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

Modifies the authority of the Director of the Department of Revenue to conduct diesel fuel inspections

AN ACT to repeal section 142.941, RSMo, and to enact in lieu thereof one new section relating to diesel fuel inspections.

SECTION

- A. Enacting clause.
- 142.941. Inspections, requirements, limitations.

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

SECTION A. ENACTING CLAUSE. — Section 142.941, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 142.941, to read as follows:

142.941. INSPECTIONS, REQUIREMENTS, LIMITATIONS. — 1. The director, his or her agents or appointees, including federal government employees or persons operating under

contract with this state, upon presenting appropriate credentials may conduct inspections and remove samples of fuel to determine the coloration of diesel fuel, or to identify shipping paper violations at any place where motor fuel is or may be produced, stored or loaded into transport vehicles. Inspections shall be performed in a reasonable manner consistent with the circumstances, but in no event is prior notice required. Inspectors may physically inspect, examine or otherwise search any tank, reservoir, or other container that can or might be used for the production, storage, or transportation of fuel. Inspections may be made of any equipment used for, or in connection with, the production, storage, or transportation of fuel. Upon demand by the inspectors all shipping papers, documents and records required to be kept by a person transporting fuel shall be produced for immediate inspection. The places where inspections may occur include, but are not limited to:

- (1) A terminal;
- (2) A fuel storage facility that is not a terminal;
- (3) A retail fuel facility;
- (4) Highway rest stops; or
- (5) A designated inspection site. For purposes of this section, a "designated inspection site" means any state highway or waterway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the director, either fixed or mobile.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, in no event shall the director, his agents or appointees, including federal government employees or persons operating under contract with this state, conduct inspections and remove samples of fuel to determine the coloration of diesel fuel from any individual who is not holding the fuel for wholesale or retail sale, and who is not located at a terminal, a fuel storage facility that is not a terminal, a retail fuel facility, a highway rest stop, or a designated inspection site, unless the director, his or her agents or appointees, including federal government employees or persons operating under contract with this state, have reasonable suspicion to believe that violations under this chapter are being committed at a location not listed in this subsection.

3. Inspections to determine violations under this chapter may be conducted by the agents and appointees of the director, the Missouri department of public safety, the Missouri department of agriculture, and motor carrier inspectors in this state in addition to their duties otherwise defined, and any other law enforcement officer through procedures established by the director. Agents and appointees of the director have the same power and authority provided to authorized personnel under the applicable statute.

[3.] 4. Inspectors may reasonably detain any person or equipment transporting fuel in or through this state for the purpose of determining whether the person is operating in compliance with the provisions of this chapter and any rules and regulations promulgated pursuant to this chapter. Detainment may continue for such time only as is necessary to determine whether the person is in compliance.

Approved June 30, 2014

SB 844 [SB 844]

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

Modifies the shared work unemployment compensation program

AN ACT to repeal section 288.500, RSMo, and to enact in lieu thereof one new section relating to the shared work unemployment compensation program, with an emergency clause.

SECTION

- A. Enacting clause.
288.500. Shared work program created — definitions — plan, requirements — plan denied, submission of new plan, when — contribution by employer, how computed — benefits — severability clause.
B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 288.500, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 288.500, to read as follows:

288.500. SHARED WORK PROGRAM CREATED — DEFINITIONS — PLAN, REQUIREMENTS — PLAN DENIED, SUBMISSION OF NEW PLAN, WHEN — CONTRIBUTION BY EMPLOYER, HOW COMPUTED — BENEFITS — SEVERABILITY CLAUSE. — 1. There is created under this section a voluntary "Shared Work Unemployment Compensation Program". In connection therewith, the division may adopt rules and establish procedures, not inconsistent with this section, which are necessary to administer this program.

2. As used in this section, the following terms mean:

(1) "Affected unit", a specified department, shift, or other unit of three or more employees which is designated by an employer to participate in a shared work plan;

(2) "Division", the division of employment security;

(3) "Fringe benefit", health insurance, a retirement benefit received under a **defined benefit pension plan, as defined in section 414(j) of the Internal Revenue Code, or contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code**, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer;

(4) "Normal weekly hours of work", as to any individual, the lesser of forty hours or the average obtained by dividing the total number of hours worked per week in the preceding twelve-week period by the number twelve;

(5) "Participating employee", an employee who works a reduced number of hours under a shared work plan;

(6) "Participating employer", an employer who has a shared work plan in effect;

(7) "Shared work benefit", an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan;

(8) "Shared work plan", a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work;

(9) "Shared work unemployment compensation program", a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

3. An employer who wishes to participate in the shared work unemployment compensation program established under this section shall submit a written shared work plan in a form acceptable to the division for approval. As a condition for approval by the division, a participating employer shall agree to furnish the division with reports relating to the operation of the shared work plan as requested by the division. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the division and shall report the findings to the division.

4. The division may approve a shared work plan if:

(1) The employer has filed all reports required to be filed under this chapter for all past and current periods and has paid all contributions due for all past and current periods;

(2) The shared work plan applies to and identifies a specified affected unit;

- (3) The employees in the affected unit are identified by name and Social Security number;
- (4) The shared work plan reduces the normal weekly hours of work for an employee in the affected unit by not less than twenty percent and not more than forty percent;
- (5) The shared work plan applies to at least ten percent of the employees in the affected unit;
- (6) The [shared work plan describes the manner in which] **employer certifies that, if the participating employer [treats the] provides fringe benefits [of each], as defined in this section, to any employee in the affected unit, such benefits shall continue to be provided to employees participating in the shared work unemployment compensation program under the same terms and conditions as though the normal weekly hours of work had not been reduced or to the same extent as other employees not participating in the shared work unemployment compensation program; [and]**
- (7) The employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of [temporary] layoffs that would affect at least ten percent of the employees in the affected unit and that would result in an equivalent reduction in work hours;
- (8) **The shared work plan includes an estimate of the number of employees who would be laid off if the employer does not participate in the shared work unemployment compensation program;**
- (9) **The shared work plan describes the manner in which employees in the affected unit will be notified of the employer's participation in the shared work unemployment compensation program. If the employer will not provide advance notice to the employees in the affected unit, the shared work plan must contain a statement explaining why it is not feasible to provide advance notice;**
- (10) **The employer certifies that participation in the shared work plan and its implementation is consistent with the employer's obligation under applicable federal and state laws; and**
- (11) **The shared work plan includes any other provision that the United States Secretary of Labor determines to be appropriate for the purpose of a shared work unemployment compensation program.**

5. If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan shall be approved in writing by the collective bargaining agent.

6. No shared work plan which will subsidize seasonal employers during the off-season [or subsidize employers, at least fifty percent of the employees of which have normal weekly hours of work equaling thirty-two hours or less,] shall be approved by the division. No shared work plan benefits will be initiated when the reduced hours coincide with holiday earnings already committed to be paid by the employer. Shared work plan benefits may not be denied in any week containing a holiday for which holiday earnings are committed to be paid by the employer unless the shared work benefits to be paid are for the same hours in the same day as the holiday earnings.

7. The division shall approve or deny a shared work plan not later than the thirtieth day after the day on which the shared work plan is received by the division. The division shall approve or deny a plan in writing. If the division denies a plan, the division shall notify the employer of the reasons for the denial. Approval or denial of a plan by the division shall be final and such determination shall be subject to review in the manner otherwise provided by law. If approval of a plan is denied by the division, the employer may submit a new plan to the division for consideration no sooner than forty-five calendar days following the date on which the division disapproved the employer's previously submitted plan.

8. The division may revoke approval of a shared work plan and terminate the plan if it determines that the shared work plan is not being executed according to the terms and intent of the shared work unemployment compensation program, or if it is determined by the division that the approval of the shared work plan was based, in whole or in part, upon information contained in the plan which was either false or substantially misleading.

9. Each shared work plan approved by the division shall become effective on the first day of the week in which it is approved by the division or on a later date as specified in the shared work plan. Each shared work plan approved by the division shall expire on the last day of the twelfth full calendar month after the effective date of such shared work plan.

10. An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as originally approved by the division. The employer shall report the changes made to the plan in writing to the division at least seven days before implementing such changes. The division shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection 4 of this section. The approval of a modified shared work plan shall not, under any circumstances, affect the expiration date originally set for the shared work plan. If modifications cause the shared work plan to fail to meet the requirements for approval, the division shall deny approval of the modifications as provided in subsection 7 of this section.

11. Notwithstanding any other provisions of this chapter, an individual is unemployed for the purposes of this section in any week in which the individual, as an employee in an affected unit, works less than his normal weekly hours of work in accordance with an approved shared work plan in effect for that week.

12. An individual who is otherwise entitled to receive regular unemployment insurance benefits under this chapter shall be eligible to receive shared work benefits with respect to any week in which the division finds that:

(1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(2) Notwithstanding the provisions of subdivision (2) of subsection 1 of section 288.040, the individual is able to work[,] **and** available for [work and works all available] **his or her normal hours of work** with the participating employer;

(3) The individual's normal weekly hours of work have been reduced by at least twenty percent but not more than forty percent, with a corresponding reduction in wages; and

(4) The individual has served a waiting week as defined in section 288.030.

13. A waiting week served under the provisions of subdivision (3) of subsection 1 of section 288.040 shall serve to meet the requirements of subdivision (4) of subsection 12 of this section and a waiting week served under the provisions of subdivision (4) of subsection 12 of this section shall serve to meet the requirements of section 288.040. Notwithstanding any other provisions of this chapter, an individual who files a new initial claim during the pendency of the twelve-month period in which a shared work plan is in effect shall serve a waiting week whether or not the individual has served a waiting week under this subsection.

14. The division shall not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of this chapter that relates to availability for work, active search for work, [or] refusal to apply for or accept work with an employer other than the participating employer under the plan, **or training that is approved by the director, as provided in section 288.055, such as employer-sponsored training or training funded under the Workforce Investment Act of 1998.**

15. The division shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment less any deductible amounts under this chapter except wages received from any employer, multiplied by the full percentage of reduction in the individual's hours as set forth in the employer's shared work plan. If the shared work benefit amount calculated under this subsection is not a multiple of one dollar, the division shall round the amount so calculated to the next lowest multiple of one dollar. [An individual shall be ineligible for shared work benefits for any week in which the individual performs paid work for the participating employer in excess of the reduced hours established under the shared work plan.]

16. An individual shall not be entitled to receive shared work benefits and regular unemployment compensation benefits in an aggregate amount which exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided under section [288.038] **288.060**. Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than fifty-two calendar weeks during the twelve-month period of the shared work plan. No week shall be counted as a week of unemployment for the purposes of this subsection unless it occurs within the twelve-month period of the shared work plan.

17. [Notwithstanding any other provision of this chapter, all benefits paid under a shared work plan which are chargeable to the participating employer or any other base period employer of a participating employee shall be charged to the account of the participating employer under the plan.] **Notwithstanding any other provision of this chapter, all benefits paid under a shared work plan which are chargeable to the participating employer or any other base period employer shall be charged to employers in the same manner as regular unemployment benefits are chargeable under chapter 288.**

18. An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under section 288.062 and is entitled to receive extended benefits under section 288.062 if the individual is otherwise eligible under that section.

19. If the United States Secretary of Labor determines any provision of this section to be nonconforming with federal law, the nonconforming provision shall not affect the validity of the remaining provisions of this section.

SECTION B. EMERGENCY CLAUSE. — Because of the need to conform with federal requirements for shared work compensation programs, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2014

SB 852 [CCS HCS SCS SB 852]

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

Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors

AN ACT to repeal sections 84.340, 105.935, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.243, 300.320, 334.950 and 571.030, RSMo, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions.

SECTION

- A. Enacting clause.
 - 44.095. Mutual aid agreement with Kansas — definitions — requests for assistance — immunity — certification by director, notice to revisor of statutes.
 - 84.340. Board of police — power to regulate private detectives (St. Louis).
 - 105.935. Overtime hours, state employee may choose compensatory leave time, when — payment for overtime, when — corrections employees, options — reports on overtime paid — overtime earned under Fair Labor Standards Act, applicability.
 - 191.630. Definitions.
 - 191.631. Testing for disease, consent deemed given, when — hospital to conduct testing, written policies and procedures required — notification for confirmed exposure, by whom — limitations on testing and duties of hospitals, coroners, and medical examiners — rules.
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- 287.243. Line of duty compensation — definitions — claim procedure — no subrogation rights for employers or insurers — grievance procedures — sunset date — fund created, use of moneys — rulemaking authority.
- 334.950. Collaboration between providers and medical resource centers — definitions — recommendations — rulemaking authority, SAFE CARE providers.
- 571.030. Unlawful use of weapons — exceptions — penalties.
- 590.750. Department to have sole authority to regulate and license advisors — acting without a license, penalty — rulemaking authority.
- 632.520. Offender committing violence against an employee — definitions — penalty — damage of property, violation, penalty.
- 192.800. Definitions.
- 192.802. Department of health and senior services to notify first responders and Good Samaritans attending or transporting a patient with communicable disease.
- 192.804. First responders or Good Samaritans believing they have been exposed — request for information form, content, confidentiality of report.
- 192.806. Rules to provide regulation for training and notification program — rules, procedure, review.
- 192.808. Mandatory testing not to be required, exception — emergency personnel to treat persons with HIV and communicable diseases — identity of patient to be confidential, exceptions.
- 300.320. Funeral procession to be identified.

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

SECTION A. ENACTING CLAUSE. — Sections 84.340, 105.935, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.243, 300.320, 334.950 and 571.030, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 44.095, 84.340, 105.935, 191.630, 191.631, 287.243, 334.950, 571.030, 590.750, and 632.520, to read as follows:

44.095. MUTUAL AID AGREEMENT WITH KANSAS — DEFINITIONS — REQUESTS FOR ASSISTANCE — IMMUNITY — CERTIFICATION BY DIRECTOR, NOTICE TO REVISOR OF STATUTES.— **1. As used in this section, the following terms mean:**

(1) "Critical incident", an incident that could result in serious physical injury or loss of life;

(2) "Kansas border counties", the counties of Johnson, Leavenworth, Miami, and Wyandotte;

(3) "Law enforcement mutual aid region", the nine counties of the Kansas City Metropolitan area as identified by the Mid-America Regional Council (MARC). Those counties include Kansas border counties and Missouri border counties as defined in this section;

(4) "Missouri border counties", the counties of Platte, Clay, Ray, Jackson and Cass.

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted in critical incidents to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region.

3. The on-scene incident commander as defined by the National Incident Management System shall have the authority to make a request for assistance in a critical incident and shall be responsible for on-scene management until command authority is transferred to another person.

4. In the event that an officer makes an arrest or apprehension outside his or her home state, the offender shall be delivered to the first officer who is commissioned in the jurisdiction in which the arrest was made.

5. For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity, and the public duty

rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency.

6. If the director of the Missouri department of public safety determines that the state of Kansas has enacted legislation or the governor of Kansas has issued an executive order or similar action that permits Kansas border counties to enter into a similar mutual-aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective unless otherwise provided by law.

7. The director of the Missouri department of public safety shall notify the revisor of statutes of any changes that would render the provisions of this section effective.

84.340. BOARD OF POLICE — POWER TO REGULATE PRIVATE DETECTIVES (ST. LOUIS). — Except as provided under section 590.750, the police commissioner of the said cities shall have power to regulate and license all private watchmen, private detectives and private policemen, serving or acting as such in said cities, and no person shall act as such private watchman, private detective or private policeman in said cities without first having obtained the written license of the president or acting president of said police commissioners of the said cities, under pain of being guilty of a misdemeanor.

105.935. OVERTIME HOURS, STATE EMPLOYEE MAY CHOOSE COMPENSATORY LEAVE TIME, WHEN — PAYMENT FOR OVERTIME, WHEN — CORRECTIONS EMPLOYEES, OPTIONS — REPORTS ON OVERTIME PAID — OVERTIME EARNED UNDER FAIR LABOR STANDARDS ACT, APPLICABILITY. — 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair Labor Standards Act shall be eligible for payment of overtime in accordance with subsection [4] 5 of this section. A nonexempt state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee's straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term "state employee" means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state, but shall not include any employee who is exempt under the provisions of the Fair Labor Standards Act or any employee of the general assembly.

3. Beginning on January 1, 2006, and annually thereafter each department shall pay all nonexempt state employees in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. All nonexempt state employees shall have the option of retaining up to a total of eighty compensatory time hours.

4. Missouri department of corrections employees classified as a corrections officer I or a corrections officer II who have accrued any overtime hours may choose to use those hours as compensatory leave time, provided that the leave time is available and agreed on by such employee and his or her supervisor. Compensatory time shall be considered accrued on completion of time worked in excess of such employee's normal assigned shift and it will be the employee's decision whether to take the time off or request payment for such hours. All employees classified as a corrections officer I or a corrections officer II shall have the right to retain up to eighty hours of compensatory time at any time during the year.

[4.] 5. The provisions of subsection 2 of this section shall only apply to nonexempt state employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act, excluding employees of the general assembly. Any nonexempt state employee requesting cash payment for overtime worked shall notify such employee's department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within the calendar month following the month in which a valid request is made. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

[5.] 6. Each department shall, by November first of each year, notify the commissioner of administration, the house budget committee chair, and the senate appropriations committee chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each department shall be designated as a separate line item in the appropriations bill for that department. The provisions of this subsection shall become effective July 1, 2005.

[6.] 7. Each state department shall report quarterly to the house of representatives budget committee chair, the senate appropriations committee chair, and the commissioner of administration the cumulative number of accrued overtime hours for department employees, the dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions and vacant positions, the amount of funds for any vacant positions which will be used to pay overtime compensation for employees with full-time equivalent positions, and the current balance in the department's personal service fund.

[7.] 8. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety.

191.630. DEFINITIONS. — As used in sections 191.630 and 191.631, the following terms mean:

(1) ["Care provider", a person who is employed as an emergency medical care provider, firefighter, or police officer;

(2) "Contagious or infectious disease", hepatitis in any form and any other communicable disease as defined in section 192.800, except AIDS or HIV infection as defined in section 191.650, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, in accordance with guidelines of the Centers for Disease Control and Prevention of the Department of Health and Human Services] **"Communicable disease", acquired immunodeficiency syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and other such diseases as the department may define by rule or regulation;**

(2) **"Communicable disease tests", tests designed for detection of communicable diseases. Rapid testing of the source patient in accordance with the Occupational Safety and Health Administration (OSHA) enforcement of the Centers for Disease Control and Prevention (CDC) guidelines shall be recommended;**

(3) **"Coroner or medical examiner", the same meaning as defined in chapter 58;**

[3] (4) **"Department", the Missouri department of health and senior services;**

[4] (5) **"Designated infection control officer", the person or persons within the entity or agency who are responsible for managing the infection control program and for coordinating efforts surrounding the investigation of an exposure such as:**

(a) **Collecting, upon request, facts surrounding possible exposure of an emergency care provider or Good Samaritan to a communicable disease;**

(b) **Contacting facilities that receive patients or clients of potentially exposed emergency care providers or Good Samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease and to ascertain the results of that determination; and**

(c) **Notifying the emergency care provider or Good Samaritan as to whether there is reason for concern regarding possible exposure;**

(6) "Emergency [medical] care provider", **a person who is serving as a licensed or certified person trained to provide emergency and nonemergency medical care as a first responder, emergency responder, EMT-B, EMT-I, or EMT-P as defined in section 190.100, firefighter, law enforcement officer, sheriff, deputy sheriff, registered nurse, physician, medical helicopter pilot, or other certification or licensure levels adopted by rule of the department;**

[(5)] (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties;

[(6)] "HIV", the same meaning as defined in section 191.650;

(7) (8) **"Good Samaritan", any person who renders emergency medical assistance or aid within his or her level of training or skill until such time as he or she is relieved of those duties by an emergency care provider;**

(9) "Hospital", the same meaning as defined in section 197.020;

(10) **"Source patient", any person who is sick or injured and requiring the care or services of a Good Samaritan or emergency care provider, for whose blood or other potentially infectious materials have resulted in exposure.**

191.631. TESTING FOR DISEASE, CONSENT DEEMED GIVEN, WHEN — HOSPITAL TO CONDUCT TESTING, WRITTEN POLICIES AND PROCEDURES REQUIRED — NOTIFICATION FOR CONFIRMED EXPOSURE, BY WHOM — LIMITATIONS ON TESTING AND DUTIES OF HOSPITALS, CORONERS, AND MEDICAL EXAMINERS — RULES. — 1. (1) Notwithstanding any other law to the contrary, if [a] an emergency care provider or a Good Samaritan sustains an exposure from a person while rendering emergency health care services, the person to whom the emergency care provider or Good Samaritan was exposed is deemed to consent to a test to determine if the person has a [contagious or infectious] communicable disease and is deemed to consent to notification of the emergency care provider or the Good Samaritan of the results of the test, upon submission of an exposure report by the emergency care provider or the Good Samaritan to the hospital where the person is delivered by the emergency care provider.

(2) The hospital where the [person] source patient is delivered shall conduct the test. The sample and test results shall only be identified by a number and shall not otherwise identify the person tested.

(3) A hospital shall have written policies and procedures for notification of [a] an emergency care provider or Good Samaritan pursuant to this section. **The hospital shall include local representation of designated infection control officers during the process to develop or review such policies. The policies shall be substantially the same as those in place for notification of hospital employees.** The policies and procedures shall include designation of a representative of the emergency care provider to whom notification shall be provided and who shall, in turn, notify the emergency care provider. The identity of the designated [representative] local infection control officer of the emergency care provider shall not be disclosed to the [person] source patient tested. The designated [representative] local infection control officer shall inform the hospital of those parties who receive the notification, and following receipt of such information and upon request of the person tested, the hospital shall inform the person of the parties to whom notification was provided.

(4) **A coroner and medical examiner shall have written policies and procedures for notification of an emergency care provider and Good Samaritan pursuant to this section.**

The coroner or medical examiner shall include local representation of a designated infection control officer during the process to develop or review such policies. The policies shall be substantially the same as those in place for notification of coroner or medical examiner employees. The policies and procedures shall include designation of a representative of the emergency care providers to whom notification shall be provided and who shall, in turn, notify the emergency care provider. The identity of the designated local infection control officer of the emergency care provider shall not be disclosed to the source patient tested. The designated local infection control officer shall inform the coroner or medical examiner of those parties who receive the notification, and following receipt of such information and upon request of the person tested, the coroner or medical examiner shall inform the person of the parties to whom notification was provided.

2. If a person tested is diagnosed or confirmed as having a [contagious or infectious] **communicable** disease pursuant to this section, the hospital, **coroner, or medical examiner** shall notify the **emergency** care provider, **Good Samaritan** or the designated [representative] **local infection control officer** of the **emergency** care provider who shall then notify the care provider.

3. The notification to the **emergency** care provider **or the Good Samaritan** shall advise the **emergency** care provider **or the Good Samaritan** of possible exposure to a particular [contagious or infectious] **communicable** disease and recommend that the **emergency** care provider **or Good Samaritan** seek medical attention. The notification shall be provided as soon as is reasonably possible following determination that the individual has a [contagious or infectious] **communicable** disease. The notification shall not include the name of the person tested for the [contagious or infectious] **communicable** disease unless the person consents. If the **emergency** care provider **or Good Samaritan** who sustained an exposure determines the identity of the person diagnosed or confirmed as having a [contagious or infectious] **communicable** disease, the identity of the person shall be confidential information and shall not be disclosed by the **emergency** care provider **or the Good Samaritan** to any other individual unless a specific written release is obtained by the person diagnosed with or confirmed as having a [contagious or infectious] **communicable** disease.

4. This section does not require or permit, unless otherwise provided, a hospital to administer a test for the express purpose of determining the presence of a [contagious or infectious] **communicable** disease; except that testing may be performed if the person consents and if the requirements of this section are satisfied.

5. This section does not preclude a hospital, **coroner, or medical examiner** from providing notification to [a] **an emergency** care provider **or Good Samaritan** under circumstances in which the hospital's, **coroner's, or medical examiner's** policy provides for notification of the hospital's, **coroner's, or medical examiner's** own employees of exposure to a [contagious or infectious] **communicable** disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents.

6. A hospital, **coroner, or medical examiner** participating in good faith in complying with the provisions of this section is immune from any liability, civil or criminal, which may otherwise be incurred or imposed.

7. A hospital's duty of notification pursuant to this section is not continuing but is limited to diagnosis of a [contagious or infectious] **communicable** disease made in the course of admission, care, and treatment following the rendering of health care services to which notification pursuant to this section applies.

8. A hospital, **coroner, or medical examiner** that performs a test in compliance with this section or that fails to perform a test authorized pursuant to this section is immune from any liability, civil or criminal, which may otherwise be incurred or imposed.

9. [A hospital has no duty to perform the test authorized.

10.] The department shall adopt rules to implement this section. The department may determine by rule the [contagious or infectious] **communicable** diseases for which testing is

reasonable and appropriate and which may be administered pursuant to this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[11.] **10.** The [employer of a] **agency which employs or sponsors the emergency** care provider who sustained an exposure pursuant to this section shall pay the costs of testing for the person who is the source of the exposure and of the testing of the **emergency** care provider if the exposure was sustained during the course of [employment] **the provider's expected duties.**

11. All emergency care providers shall respond to and treat any patient regardless of the status of the patient's HIV or other communicable disease infection.

12. Ambulance services and emergency medical response agencies licensed under chapter 190 shall establish and maintain local policies and provide training regarding exposure of personnel to patient blood and body fluids as well as general protection from communicable diseases. The training provided and the policies established shall be in substantial compliance with the appropriate CDC and OSHA guidelines.

13. Hospitals, long-term care facilities licensed under chapter 198, and other medical facilities and practitioners who transfer patients known to have a communicable disease or to be subject to an order of quarantine or an order of isolation shall notify the emergency care providers who are providing the transportation services of the potential risk of exposure to a communicable disease, including communicable diseases of a public health threat.

14. The department shall promulgate regulations regarding all of the following:

(1) The type of exposure that would prompt notification of the emergency care provider or Good Samaritan, which shall cover, at a minimum, methods of potential transmission of any diseases designated under P.L. 101-381 or diseases additionally identified from the department's list of communicable diseases;

(2) The process to be used by the emergency care provider, Good Samaritan, licensed facility, coroner, medical examiner, and designated infection control officer for the reports required by this section, the process to be used to evaluate requests received from emergency care providers and Good Samaritans, and for informing emergency care providers and Good Samaritans as to their obligations to maintain the confidentiality of information received; and

(3) The method by which emergency care providers and Good Samaritans shall be provided information and advice in a timely manner related to the risk of infection from communicable diseases as a result of aid or medical care.

287.243. LINE OF DUTY COMPENSATION — DEFINITIONS — CLAIM PROCEDURE — NO SUBROGATION RIGHTS FOR EMPLOYERS OR INSURERS — GRIEVANCE PROCEDURES — SUNSET DATE — FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

(4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(5) "Killed in the line of duty", when [a] **any** person defined in this section loses [one's] **his or her** life [as a result of an injury received in the active performance of his or her duties within the ordinary scope of his or her respective profession while the individual is on duty and but for the individual's performance, death would have not occurred] **when:**

(a) Death is caused by an accident or the willful act of violence of another;

(b) The law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is traveling to or from employment; or the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(6) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

- (1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;
- (2) The name and address of the claimant;
- (3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and
- (4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

5. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

6. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

7. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, [2009] **2019**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

9. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

10. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with

the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void.

334.950. COLLABORATION BETWEEN PROVIDERS AND MEDICAL RESOURCE CENTERS — DEFINITIONS — RECOMMENDATIONS — RULEMAKING AUTHORITY, SAFE CARE PROVIDERS.— 1. As used in this section, the following terms shall mean:

(1) "Child abuse medical resource centers", medical institutions affiliated with accredited children's hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support, mentoring, and peer review to SAFE CARE providers in Missouri;

(2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's assistant licensed in this state who provides medical diagnosis and treatment to children suspected of being victims of abuse and who receives:

(a) Missouri-based initial intensive training regarding child maltreatment from the SAFE CARE network;

(b) Ongoing update training on child maltreatment from the SAFE CARE network;

(c) Peer review and new provider mentoring regarding the forensic evaluation of children suspected of being victims of abuse from the SAFE CARE network;

(3) "Sexual assault forensic examination child abuse resource education network" or "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this state to improve outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills and role of the medical provider in a multidisciplinary context.

2. Child abuse medical resource centers may collaborate directly or through the use of technology with SAFE CARE providers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may collaborate directly or through the use of technology with other SAFE CARE providers and child abuse medical resource centers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

4. The SAFE CARE network shall develop recommendations concerning medically based screening processes and forensic evidence collection for children who may be in need of an emergency examination following an alleged sexual assault. Such recommendations shall be provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners that provide emergency examinations for children suspected of being victims of abuse.

5. The department of public safety shall establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

6. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

7. The department shall only reimburse providers for forensic evaluations and case reviews. The department shall not reimburse providers for medical procedures, facility fees, supplies or laboratory/radiology tests.

8. In order for the department to provide reimbursement, the child shall be the subject of a child abuse investigation or reported to the children's division as a result of the examination.

9. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether

such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the [board of police commissioners under section 84.340] **department of public safety under section 590.750;**

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

590.750. DEPARTMENT TO HAVE SOLE AUTHORITY TO REGULATE AND LICENSE OFFICERS — ACTING WITHOUT A LICENSE, PENALTY — RULEMAKING AUTHORITY. — 1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. The authority and jurisdiction of a corporate security advisor shall be limited only by the geographical limits of the state, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government.

2. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor.

3. The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190.

4. Any corporate security advisor licensed as of February 1, 2014, shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked.

632.520. OFFENDER COMMITTING VIOLENCE AGAINST AN EMPLOYEE — DEFINITIONS — PENALTY — DAMAGE OF PROPERTY, VIOLATION, PENALTY. — 1. For purposes of this section, the following terms mean:

(1) "Employee of the department of mental health", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", a person ordered to the department of mental health after a determination by the court that the person meets the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495.

2. No offender shall knowingly commit violence to an employee of the department of mental health or to another offender housed in a secure facility. Violation of this subsection shall be a class B felony.

3. No offender shall knowingly damage any building or other property owned or operated by the department of mental health. Violation of this subsection shall be a class C felony.

[192.800. DEFINITIONS.— As used in this section, the following terms mean:

- (1) "Communicable disease", an illness due to an infectious agent or its toxic products and transmitted directly or indirectly to a susceptible host from an infected person, animal or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment;
- (2) "Designated officer", an employee of the department or a city or county health officer, or designee, located in or employed by appropriate agencies serving geographical regions and appointed by the director of the department of health and senior services, whose duties consist of:
 - (a) Collecting, upon request, facts surrounding possible exposure of a first responder or Good Samaritan to a communicable disease or infection;
 - (b) Contacting facilities that receive patients or clients of potentially exposed first responders or Good Samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease or infection and to ascertain the results of that determination; and
 - (c) Notifying the first responder or Good Samaritan as to whether or not there is reason for concern regarding possible exposure;
- (3) "First responder", any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses or physicians;
- (4) "Good Samaritan", any person who renders emergency medical assistance or aid until such time as relieved of these duties by a first responder;
- (5) "Licensed facility", a facility licensed under chapter 197 or a state medical facility.]

[192.802. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO NOTIFY FIRST RESPONDERS AND GOOD SAMARITANS ATTENDING OR TRANSPORTING A PATIENT WITH COMMUNICABLE DISEASE.— The department of health and senior services shall ensure that first responders or Good Samaritans are notified if there is reason to believe an exposure has occurred which may present a significant risk of a communicable disease as a result of attending or transporting a patient to a licensed facility. At the request of any first responder, the licensed facility shall notify any such first responder and at the request of any Good Samaritan, the designated officer shall notify such Good Samaritan. Notification will be made as soon as practicable, but not later than forty-eight hours, to the department of health and senior services or a designated officer.]

[192.804. FIRST RESPONDERS OR GOOD SAMARITANS BELIEVING THEY HAVE BEEN EXPOSED — REQUEST FOR INFORMATION FORM, CONTENT, CONFIDENTIALITY OF REPORT.— 1. First responders or Good Samaritans who attended or transported a patient who believe that they may have received an exposure which may present a significant risk of a communicable disease by a patient may provide a written request concerning the suspected exposure to either the licensed facility that received the patient or the designated officer, detailing the nature of the alleged exposure. The form shall inform the first responder or Good Samaritan, in bold print, of the provisions of subsections 1 and 6 of section 191.656 regarding confidentiality and consequences of violation of confidentiality provisions. The first responder or Good Samaritan shall be given a copy of the request form.

2. If the licensed facility, designated officer, coroner or medical examiner makes a determination that there was an exposure to a communicable disease, the report to

the first responder or Good Samaritan shall provide the name of the communicable disease involved, the date on which the patient was assisted or transported, and any advice or information about the communicable disease as provided by rule by the department of health and senior services and shall, in addition, inform the first responder or the Good Samaritan of the provisions of subsections 1 and 6 of section 191.656 regarding confidentiality and consequences of violation of confidentiality provisions. This section shall not be construed to authorize the disclosure of any identifying information with respect to the patient, first responder or Good Samaritan.]

[192.806. RULES TO PROVIDE REGULATION FOR TRAINING AND NOTIFICATION PROGRAM — RULES, PROCEDURE, REVIEW. — 1. The department of health and senior services shall promulgate regulations, pursuant to the provisions of section 192.006 and chapter 536, concerning:

(1) The type of exposure that would prompt notification of the first responder or Good Samaritan, which shall cover at a minimum, methods of potential transmission of any diseases designated under P.L. 101-381 or diseases additionally identified from the department of health and senior services' list of communicable diseases;

(2) The process to be used by the first responder, Good Samaritan, licensed facility, coroner, medical examiner and designated officer for the reports required by this section, the process to be used to evaluate requests received from first responders and Good Samaritans, and for informing first responders and Good Samaritans as to their obligations to maintain the confidentiality of information received;

(3) The method by which first responders and Good Samaritans shall be provided information and advice in a timely manner related to the risk of infection from communicable diseases as a result of provision of aid or medical care;

(4) The need for employers of first responders to provide training to employees regarding the use of universal precautions.

2. All licensed facilities, medical examiners, coroners, first responders and Good Samaritans shall be required to comply with the regulations promulgated pursuant to sections 192.800 to 192.808.]

[192.808. MANDATORY TESTING NOT TO BE REQUIRED, EXCEPTION — EMERGENCY PERSONNEL TO TREAT PERSONS WITH HIV AND COMMUNICABLE DISEASES — IDENTITY OF PATIENT TO BE CONFIDENTIAL, EXCEPTIONS. — 1. Sections 192.800 to 192.808 shall not be construed to authorize or require a licensed facility to test any patient for any communicable disease, nor shall mandatory testing of any person be required, except as provided for in sections 191.659, 191.662 and 191.674.

2. All emergency response employees are required to respond to and treat any patient regardless of HIV or other communicable disease infection.

3. Sections 192.800 to 192.808 shall not be construed to require or permit the department of health and senior services or its designated officers to collect information concerning HIV infection in a form that permits the identity of the patient to be determined, except as otherwise provided by law.]

[300.320. FUNERAL PROCESSION TO BE IDENTIFIED. — A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.]

SB 869 [HCS SS SB 869]

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

Modifies provisions relating to children

AN ACT to repeal sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643, 208.646, 210.027, 210.145, 210.152, 210.160, 210.183, 210.211, 211.171, 334.950, 453.073, and 453.074, RSMo, and to enact in lieu thereof eighteen new sections relating to children, with an existing penalty provision and an effective date.

SECTION

- A. Enacting clause.
- 21.771. Joint committee established, members, duties, meetings — expiration date.
- 37.710. Access to information — authority of office — confidentiality of information.
- 105.271. Employee leave for adoptive parents and stepparents, when — leave-sharing program, donated leave — rulemaking authority.
- 208.631. Program established, terminates, when — definitions.
- 208.636. Requirements of parents or guardians.
- 208.640. Co-payments required, when, amount, limitations.
- 208.643. Rules, compliance with federal law.
- 208.646. Waiting period required, when.
- 210.027. Direct payment recipients, child care providers — department's duties.
- 210.145. Telephone hotline for reports on child abuse — division duties, protocols, law enforcement contacted immediately, investigation conducted, when, exception — chief investigator named — family support team meetings, who may attend — reporter's right to receive information — admissibility of reports in custody cases.
- 210.152. Reports of abuse or neglect — division to retain certain information — confidential, released only to authorized persons — report removal, when — notice of agency's determination to retain or remove, sent when — case reopened, when — administrative review of determination — de novo judicial review.
- 210.160. Guardian ad litem, how appointed — when — fee — volunteer advocates may be appointed to assist guardian — training program.
- 210.183. Alleged perpetrator to be provided written description of investigation process.
- 210.211. License required — exceptions — disclosure of licensure status, when.
- 211.171. Hearing procedure — notification of current foster parents, preadoptive parents and relatives, when — public may be excluded, when — victim impact statement permitted, when.
- 334.950. Collaboration between providers and medical resource centers — definitions — recommendations — rulemaking authority, SAFE CARE providers.
- 453.073. Subsidy to adopted child — determination of — how paid — written agreement.
- 453.074. Duties of children's division in administration of subsidy.
- B. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643, 208.646, 210.027, 210.145, 210.152, 210.160, 210.183, 210.211, 211.171, 334.950, 453.073, and 453.074, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 21.771, 37.710, 105.271, 208.631, 208.636, 208.640, 208.643, 208.646, 210.027, 210.145, 210.152, 210.160, 210.183, 210.211, 211.171, 334.950, 453.073, and 453.074, to read as follows:

21.771. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES, MEETINGS — EXPIRATION DATE. — 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been

appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;

(2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;

(3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;

(4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;

(5) Determine from its study and analysis the need for changes in statutory law; [and]

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state; **and**

(7) Make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, children's division, the juvenile officer, the guardian ad litem, and the foster parents.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on January 15, 2018.

37.710. ACCESS TO INFORMATION — AUTHORITY OF OFFICE — CONFIDENTIALITY OF INFORMATION.— 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the resources of the office of the attorney general;**

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

105.271. EMPLOYEE LEAVE FOR ADOPTIVE PARENTS AND STEPPARENTS, WHEN — LEAVE-SHARING PROGRAM, DONATED LEAVE — RULEMAKING AUTHORITY. — 1. [An] A foster or adoptive parent who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off for purposes of arranging for the foster or adopted child's placement or caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

2. The state of Missouri, its departments, and agencies shall, and political subdivisions may, provide for a leave sharing program to permit its employees to donate annual leave, overtime, or compensatory time to an employee who is arranging for a foster or adopted child's placement or caring for the child after placement, which has caused or is likely to cause such employee to take leave without pay or to terminate employment. Such donated annual leave, overtime, or compensatory time may be transferable between employees in different departments, agencies, or political subdivisions of the state, with the agreement of the chief administrative officers of such departments, agencies, or political subdivisions.

3. Any donated annual leave, overtime, or compensatory time authorized under this section shall only be used by the recipient employee for purposes of arranging for the

foster or adopted child's placement or caring for the child after placement. Nothing in this section shall be construed as prohibiting a leave sharing program for other purposes.

4. All forms of paid leave available for use by the recipient employee shall be used prior to using donated annual leave, overtime, or compensatory time.

5. All donated annual leave, overtime, or compensatory time shall be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave, overtime, or compensatory time for purposes of the leave sharing program.

6. For purposes of this section, the phrase "foster or adoptive parent" refers to both those pursuing to foster or adopt a child and those who have a foster or adopted child placed in the home. The phrase "for purposes of arranging for the foster or adopted child's placement or caring for the child after placement" includes, but is not limited to:

(1) Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;

(2) Court proceedings;

(3) Required travel;

(4) Training and licensure as a foster parent;

(5) Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or

(6) Any other activities necessary to allow the foster care or adoption to proceed.

7. A stepparent, as defined in section 453.015, who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave or the same leave without pay granted to biological parents to take time off to care for his or her stepchild. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

[3.] 8. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

9. The commissioner of administration may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

208.631. PROGRAM ESTABLISHED, TERMINATES, WHEN — DEFINITIONS. — 1. Notwithstanding any other provision of law to the contrary, the MO HealthNet division shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to [208.659] **208.658** is subject to appropriation. The provisions of sections 208.631 to [208.659] **208.658**, health care for uninsured children, shall be void and of no effect if there are no funds of the United States appropriated by Congress to be provided to the state on the basis of a state plan approved by the federal government under the federal Social Security Act. If funds are appropriated by the United States Congress, the department of social services is authorized to manage the state children's health insurance program (SCHIP) allotment in order to ensure that the state receives maximum federal financial participation. Children in households with incomes up to one hundred fifty percent of the federal poverty level may meet all Title XIX program guidelines as required by the Centers for Medicare and Medicaid Services. Children in households with incomes of one hundred fifty percent to three hundred percent of the federal

poverty level shall continue to be eligible as they were and receive services as they did on June 30, 2007, unless changed by the Missouri general assembly.

2. For the purposes of sections 208.631 to [208.659] **208.658**, "children" are persons up to nineteen years of age. "Uninsured children" are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children [for six months] prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for MO HealthNet benefits as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to [208.659] **208.658**.

208.636. REQUIREMENTS OF PARENTS OR GUARDIANS. — Parents and guardians of uninsured children eligible for the program established in sections 208.631 to [208.657] **208.658** shall:

(1) Furnish to the department of social services the uninsured child's Social Security number or numbers, if the uninsured child has more than one such number;

(2) Cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third-party insurance carrier who may be liable to pay for health care;

(3) Cooperate with the department of social services, division of child support enforcement in establishing paternity and in obtaining support payments, including medical support; **and**

(4) Demonstrate upon request their child's participation in wellness programs including immunizations and a periodic physical examination. This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including immunizations and an annual physical examination because of religious beliefs or medical contraindications]; and

(5) Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value].

208.640. CO-PAYMENTS REQUIRED, WHEN, AMOUNT, LIMITATIONS. — 1. Parents and guardians of uninsured children with incomes of more than one hundred fifty but less than three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage for their children under this section. Health insurance plans that do not cover an eligible child's preexisting condition shall not be considered affordable employer-sponsored health care insurance or other affordable health care coverage. For the purposes of sections 208.631 to [208.659] **208.658**, "affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium of:

(1) Three percent of one hundred fifty percent of the federal poverty level for a family of three for families with a gross income of more than one hundred fifty and up to one hundred eighty-five percent of the federal poverty level for a family of three;

(2) Four percent of one hundred eighty-five percent of the federal poverty level for a family of three for a family with a gross income of more than one hundred eighty-five and up to two hundred twenty-five percent of the federal poverty level;

(3) Five percent of two hundred twenty-five percent of the federal poverty level for a family of three for a family with a gross income of more than two hundred twenty-five but less than three hundred percent of the federal poverty level.

The parents and guardians of eligible uninsured children pursuant to this section are responsible for a monthly premium as required by annual state appropriation; provided that the total

aggregate cost sharing for a family covered by these sections shall not exceed five percent of such family's income for the years involved. No co-payments or other cost sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations. Cost-sharing provisions for their children under sections 208.631 to [208.659] **208.658** shall not exceed the limits established by 42 U.S.C. Section 1397cc(e). If a child has exceeded the annual coverage limits for all health care services, the child is not considered insured and does not have access to affordable health insurance within the meaning of this section.

2. The department of social services shall study the expansion of a presumptive eligibility process for children for medical assistance benefits.

208.643. RULES, COMPLIANCE WITH FEDERAL LAW. — 1. The department of social services shall implement policies establishing a program to pay for health care for uninsured children by rules promulgated pursuant to chapter 536, either statewide or in certain geographic areas, subject to obtaining necessary federal approval and appropriation authority. The rules may provide for a health care services package that includes all medical services covered by section 208.152, except nonemergency transportation.

2. Available income shall be determined by the department of social services by rule, which shall comply with federal laws and regulations relating to the state's eligibility to receive federal funds to implement the insurance program established in sections 208.631 to [208.657] **208.658**.

208.646. WAITING PERIOD REQUIRED, WHEN. — There shall be a thirty-day waiting period after enrollment for uninsured children in families with an income of more than two hundred twenty-five percent of the federal poverty level before the child becomes eligible for insurance under the provisions of sections 208.631 to [208.660] **208.658**. If the parent or guardian with an income of more than two hundred twenty-five percent of the federal poverty level fails to meet the co-payment or premium requirements, the child shall not be eligible for coverage under sections 208.631 to [208.660] **208.658** for [six months] **ninety days** after the department provides notice of such failure to the parent or guardian.

210.027. DIRECT PAYMENT RECIPIENTS, CHILD CARE PROVIDERS — DEPARTMENT'S DUTIES. — 1. For child-care providers who receive state or federal funds for providing child-care [services in the home] **fee assistance**, either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) **Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;**

(2) **Establish or designate one hotline for parents to submit complaints about child care providers;**

(3) Be authorized to revoke the registration of a registered provider for due cause;

[2] (4) Require providers to be at least eighteen years of age;

[3] (5) **Establish minimum requirements for building and physical premises to include:**

(a) **Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and**

(b) **Emergency preparedness and response planning.**

Child care providers shall meet these minimum requirements prior to receiving federal assistance. Where there are no local ordinances or regulations regarding smoke detectors, **the department shall** require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence **or other building** where child care is provided;

[(4)] (6) Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;

[(5)] (7) Require providers to notify parents if the provider does not have immediate access to a telephone;

[(6)] (8) Make providers aware of local opportunities for training in first aid and child care;

(9) Promulgate rules and regulations to define pre-service training requirements for child care providers and employees pursuant to applicable federal laws and regulations;

(10) Establish procedures for conducting unscheduled onsite monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;

(11) Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and

(12) With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate group, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.

210.145. TELEPHONE HOTLINE FOR REPORTS ON CHILD ABUSE — DIVISION DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION CONDUCTED, WHEN, EXCEPTION — CHIEF INVESTIGATOR NAMED — FAMILY SUPPORT TEAM MEETINGS, WHO MAY ATTEND — REPORTER'S RIGHT TO RECEIVE INFORMATION — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. — 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a

single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

5. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

6. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged [abusers] **perpetrators**, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
 - (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
-

- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child care facility shall have the same meaning as such term is defined in section 210.201.

7. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

8. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

9. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

10. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

11. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

12. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be

provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

13. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

15. **(1)** Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within [thirty] **forty-five** days, unless good cause for the failure to complete the investigation is **specifically** documented in the information system. **Good cause for failure to complete an investigation shall include, but not be limited to:**

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide

complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If [a child involved in a pending investigation dies] **a child fatality or near-fatality is involved in a report of abuse or neglect**, the investigation shall remain open until the division's investigation surrounding [the death] **such death or near-fatal injury** is completed.

(3) If the investigation is not completed within [thirty] **forty-five** days, the information system shall be updated at regular intervals and upon the completion of the investigation, **which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred and twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality.** The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

17. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

18. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

19. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

20. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and

is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. REPORTS OF ABUSE OR NEGLECT — DIVISION TO RETAIN CERTAIN INFORMATION — CONFIDENTIAL, RELEASED ONLY TO AUTHORIZED PERSONS — REPORT REMOVAL, WHEN — NOTICE OF AGENCY'S DETERMINATION TO RETAIN OR REMOVE, SENT WHEN — CASE REOPENED, WHEN — ADMINISTRATIVE REVIEW OF DETERMINATION — DE NOVO JUDICIAL REVIEW. — 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days, or **within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality**, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section; or

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists.

3. The children's division may reopen a case for review at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible evidence is obtained that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to this section.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

210.160. GUARDIAN AD LITEM, HOW APPOINTED — WHEN — FEE — VOLUNTEER ADVOCATES MAY BE APPOINTED TO ASSIST GUARDIAN — TRAINING PROGRAM. — 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

(1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165 **except proceedings under subsection 6 of section 210.152**, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad litem to appear for and represent an abused or neglected child involved in proceedings arising under subsection 6 of section 210.152.

[2.] **3.** The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

[3.] **4.** The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] **5.** The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513.

[5.] **6.** The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

[6.] **7.** Any person appointed to perform guardian ad litem duties shall have completed a training program in permanency planning and shall advocate for timely court hearings whenever

possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require.

210.183. ALLEGED PERPETRATOR TO BE PROVIDED WRITTEN DESCRIPTION OF INVESTIGATION PROCESS. — 1. At the time of the initial investigation of a report of child abuse or neglect, the division employee conducting the investigation shall provide the alleged perpetrator with a written description of the investigation process. Such written notice shall be given substantially in the following form:

"The investigation is being undertaken by the Children's Division pursuant to the requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child abuse or neglect.

The identity of the person who reported the incident of abuse or neglect is confidential and may not even be known to the Division since the report could have been made anonymously.

This investigation is required by law to be conducted in order to enable the Children's Division to identify incidents of abuse or neglect in order to provide protective or preventive social services to families who are in need of such services.

The division shall make every reasonable attempt to complete the investigation within [thirty days, except if a child involved in the pending investigation dies the investigation shall remain open until the division's investigation surrounding the death is completed.] **forty-five days, except for good cause which shall be documented, otherwise, within ninety days, or one hundred and twenty days after receipt of a report of abuse or neglect involving sexual abuse, or when the division's investigation is complete in cases involving a child fatality or near-fatality,** you will receive a letter from the Division which will inform you of one of the following:

- (1) That the Division has found insufficient evidence of abuse or neglect; or
- (2) That there appears to be by a preponderance of the evidence reason to suspect the existence of child abuse or neglect in the judgment of the Division and that the Division will contact the family to offer social services.

If the Division finds by a preponderance of the evidence reason to believe child abuse or neglect has occurred or the case is substantiated by court adjudication, a record of the report and information gathered during the investigation will remain on file with the Division.

If you disagree with the determination of the Division and feel that there is insufficient reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you have a right to request an administrative review at which time you may hire an attorney to represent you. If you request an administrative review on the issue, you will be notified of the date and time of your administrative review hearing by the child abuse and neglect review board. If the Division's decision is reversed by the child abuse and neglect review board, the Division records concerning the report and investigation will be updated to reflect such finding. If the child abuse and neglect review board upholds the Division's decision, an appeal may be filed in circuit court within sixty days of the child abuse and neglect review board's decision."

2. If the division uses the family assessment approach, the division shall at the time of the initial contact provide the parent of the child with the following information:

- (1) The purpose of the contact with the family;
- (2) The name of the person responding and his or her office telephone number;
- (3) The assessment process to be followed during the division's intervention with the family including the possible services available and expectations of the family.

210.211. LICENSE REQUIRED — EXCEPTIONS — DISCLOSURE OF LICENSURE STATUS, WHEN. — 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any

of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

4. Any in-home licensed child care facility that is organized as a corporation, association, firm, partnership, proprietorship, limited liability company, or any other type of business entity in this state shall qualify for the exemption for related children for children who are related to the member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity who is responsible for the daily operation of the child care facility and who meets the requirements of the child care provider. If more than one member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity is responsible for the daily operation of the child care facility, the exemption for related children shall only be granted for children who are related to one of the members. All child care facilities under this subsection shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

211.171. HEARING PROCEDURE — NOTIFICATION OF CURRENT FOSTER PARENTS, PREADOPTIVE PARENTS AND RELATIVES, WHEN — PUBLIC MAY BE EXCLUDED, WHEN — VICTIM IMPACT STATEMENT PERMITTED, WHEN. —

1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster parents of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child, **and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care.** [This subsection shall not be construed to require that any such foster parent, preadoptive parent or relative providing care for a child be made a party to the case solely on the basis of such notice and opportunity to be heard.]

4. All cases of children shall be heard separately from the trial of cases against adults.

5. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or, if requested by any party interested in the proceeding.

6. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

7. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

8. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child.

334.950. COLLABORATION BETWEEN PROVIDERS AND MEDICAL RESOURCE CENTERS — DEFINITIONS — RECOMMENDATIONS — RULEMAKING AUTHORITY, SAFE CARE PROVIDERS. — 1. As used in this section, the following terms shall mean:

(1) "Child abuse medical resource centers", medical institutions affiliated with accredited children's hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support, mentoring, and peer review to SAFE CARE providers in Missouri;

(2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's assistant licensed in this state who provides medical diagnosis and treatment to children suspected of being victims of abuse and who receives:

(a) Missouri-based initial intensive training regarding child maltreatment from the SAFE CARE network;

(b) Ongoing update training on child maltreatment from the SAFE CARE network;

(c) Peer review and new provider mentoring regarding the forensic evaluation of children suspected of being victims of abuse from the SAFE CARE network;

(3) "Sexual assault forensic examination child abuse resource education network" or "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this state to improve outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills and role of the medical provider in a multidisciplinary context.

2. Child abuse medical resource centers may collaborate directly or through the use of technology with SAFE CARE providers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may collaborate directly or through the use of technology with other SAFE CARE providers and child abuse medical resource centers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

4. The SAFE CARE network shall develop recommendations concerning medically based screening processes and forensic evidence collection for children who may be in need of an emergency examination following an alleged sexual assault. Such recommendations shall be provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners that provide emergency examinations for children suspected of being victims of abuse.

5. The department of public safety shall establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

6. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

7. The department shall only reimburse providers for forensic evaluations and case reviews. The department shall not reimburse providers for medical procedures, facility fees, supplies or laboratory/radiology tests.

8. In order for the department to provide reimbursement, the child shall be the subject of a child abuse investigation or reported to the children's division as a result of the examination.

9. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.

453.073. SUBSIDY TO ADOPTED CHILD — DETERMINATION OF — HOW PAID — WRITTEN AGREEMENT. — 1. The children's division is authorized to grant a subsidy to a child in one of the forms of allotment defined in section 453.065. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable, and in reference to the needs of the child, including consideration of the physical and mental condition, and age of the child in each case; provided, however, that the subsidy amount shall not exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program.

2. **Beginning January 1, 2015, subsidy agreements entered into under this section shall include a provision allowing for the suspension or redirection of subsidy payments in the event that the child has been:**

(1) **Adjudicated dependent and made a ward of the court under subdivision (1) of subsection 1 of section 211.031; and**

(2) **Removed from the physical or legal custody of the parent or parents by a court of competent jurisdiction.**

3. The subsidy shall be paid for children who have been in the care and custody of the children's division under the homeless, dependent and neglected foster care program. In the case of a child who has been in the care and custody of a private child-caring or child-placing agency or in the care and custody of the division of youth services or the department of mental health, a subsidy shall be available from the children's division subsidy program in the same manner and under the same circumstances and conditions as provided for a child who has been in the care and custody of the children's division.

[3.] 4. Within thirty days after the authorization for the grant of a subsidy by the children's division, a written agreement shall be entered into by the division and the parents. The agreement shall set forth the following terms and conditions:

(1) The type of allotment;

(2) The amount of assistance payments;

(3) The services to be provided;

(4) The time period for which the subsidy is granted, if such period is reasonably ascertainable;

(5) The obligation of the parents to inform the division when they are no longer providing support to the child or when events affect the subsidy eligibility of the child;

(6) The eligibility of the child for Medicaid; **and**

(7) **That the children's division may suspend or redirect subsidy payments under subsection 2 of this section.**

453.074. DUTIES OF CHILDREN'S DIVISION IN ADMINISTRATION OF SUBSIDY. — 1. The children's division [of family services] shall have the following duties in the administration of the subsidy program:

(1) Notify all petitioners for adoption of the availability of subsidies for a child;

(2) Provide all petitioners for adoption with the rules and eligibility requirements for subsidies;

(3) Inform the parents of a child receiving a subsidy of reductions, **suspensions, or redirections under subsection 2 of section 453.073**, or other modifications in the terms and conditions of the written agreement;

(4) Establish procedures for the resolution of disputes involving the delay, denial, **suspensions, or redirections under subsection 2 of section 453.073**, amount or type of subsidy;

(5) File an annual report to the legislature in the budget proposal on the adoption subsidy program, including but not limited to, the number and types of subsidies being paid, an accounting of state and federal funds expended, and a projection of future monetary needs to maintain the subsidy program;

(6) Comply with all federal laws relating to adoption subsidies in order to maintain the eligibility of the state of Missouri for federal funds.

2. The provisions of this section shall not apply to the adoption of a child by the spouse of a biological parent or an adoptive parent.

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of section 210.027 shall become effective upon the department of health and senior services providing

notice to the revisor of statutes that the implementation of federal regulations mandating such provisions has occurred.

Approved July 9, 2014

SB 884 [HCS SS SB 884]

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

Establishes contractual provisions for entities engaged in the provision of dental services

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to insurance for dental services.

SECTION

A. Enacting clause.

376.1060. Access to dental services not to be sold, assigned, or granted access without express authorization — definitions — requirements.

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

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1060, to read as follows:

376.1060. ACCESS TO DENTAL SERVICES NOT TO BE SOLD, ASSIGNED, OR GRANTED ACCESS WITHOUT EXPRESS AUTHORIZATION — DEFINITIONS — REQUIREMENTS. — 1. As used in this section, the following terms shall mean:

(1) "Contracting entity", any person or entity that is engaged in the act of contracting with providers for the delivery of dental services or the selling or assigning of dental network plans to other health care entities;

(2) "Identify", providing in writing, by email or otherwise, to the participating provider the name, address, and telephone number, to the extent possible, for any third party to which the contracting entity has granted access to the health care services of the participating provider;

(3) "Network plan", health insurance coverage offered by a health insurance issuer under which the financing and delivery of dental services are provided in whole or in part through a defined set of participating providers under contract with the health insurance issuer;

(4) "Participating provider", a provider who, under a contract with a contracting entity, has agreed to provide dental services with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the contracting entity;

(5) "Provider", any person licensed under section 332.071.

2. A contracting entity shall not sell, assign, or otherwise grant access to the dental services of a participating provider under a health care contract unless expressly authorized by the health care contract. The health care contract shall specifically provide that one purpose of the contract is the selling, assigning, or giving the contracting entity rights to the services of the participating provider, including network plans.

3. Upon entering a contract with a participating provider and upon request by a participating provider, a contracting entity shall properly identify any third party that has been granted access to the dental services of the participating provider.

4. A contracting entity that sells, assigns, or otherwise grants access to the dental services of a participating provider shall maintain an internet website or a toll-free telephone number through which the participating provider may obtain information which identifies the insurance carrier to be used to reimburse the participating provider for the covered dental services.

5. A contracting entity that sells, assigns, or otherwise grants access to a participating provider's dental services shall ensure that an explanation of benefits or remittance advice furnished to the participating provider that delivers dental services under the health care contract identifies the contractual source of any applicable discount.

6. All third parties that have contracted with a contracting entity to purchase, be assigned, or otherwise be granted access to the participating provider's discounted rate shall comply with the participating provider's contract, including all requirements to encourage access to the participating provider, and pay the participating provider pursuant to the rates of payment and methodology set forth in that contract, unless otherwise agreed to by a participating provider.

7. A contracting entity is deemed in compliance with this section when the insured's identification card provides information which identifies the insurance carrier to be used to reimburse the participating provider for the covered dental services.

Approved June 23, 2014

SB 890 [SB 890]

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

Creates a rule for determining proper venue in cases alleging a tort in which the plaintiff was first injured in connection with any railroad operations outside the state of Missouri

AN ACT to repeal section 508.010, RSMo, and to enact in lieu thereof one new section relating to venue for injury outside the state of Missouri in connection with railroad operations.

SECTION

A. Enacting clause.

508.010. Venue for nontort and tort suits — principal place of residence, defined.

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

SECTION A. ENACTING CLAUSE. — Section 508.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 508.010, to read as follows:

508.010. VENUE FOR NONTORT AND TORT SUITS — PRINCIPAL PLACE OF RESIDENCE, DEFINED. — 1. As used in this section, "principal place of residence" shall mean the county which is the main place where an individual resides in the state of Missouri. There shall be a rebuttable presumption that the county of voter registration at the time of injury is the principal place of residence. There shall be only one principal place of residence.

2. In all actions in which there is no count alleging a tort, venue shall be determined as follows:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state.

3. The term "tort" shall include claims based upon improper health care, under the provisions of chapter 538.

4. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue shall be in the county where the plaintiff was first injured by the wrongful acts or negligent conduct alleged in the action.

5. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured outside the state of Missouri, venue shall be determined as follows:

(1) If the defendant is a corporation, then venue shall be in any county where a defendant corporation's registered agent is located or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff's principal place of residence on the date the plaintiff was first injured;

(2) If the defendant is an individual, then venue shall be in any county of the individual defendant's principal place of residence in the state of Missouri or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county containing the plaintiff's principal place of residence on the date the plaintiff was first injured;

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if the plaintiff was first injured in a foreign country in connection with any railroad operations therein and any defendant is a:

(a) Corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad; or

(b) Wholly-owned subsidiary of a corporation that, either directly or through its subsidiaries, wholly owns or operates the foreign railroad;

then venue shall exclusively be in the county where any such defendant corporation's registered agent is located, regardless of venue as to any other defendant or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff's principal place of residence on the date the plaintiff was first injured.

6. Any action, in which any county shall be a plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found.

7. In all actions, process shall be issued by the court in which the action is filed and process may be served in any county within the state.

8. In any action for defamation or for invasion of privacy, the plaintiff shall be considered first injured in the county in which the defamation or invasion was first published.

9. In all actions, venue shall be determined as of the date the plaintiff was first injured.

10. All motions to dismiss or to transfer based upon a claim of improper venue shall be deemed granted if not denied within ninety days of filing of the motion unless such time period is waived in writing by all parties.

11. In a wrongful death action, the plaintiff shall be considered first injured where the decedent was first injured by the wrongful acts or negligent conduct alleged in the action. In any

spouse's claim for loss of consortium, the plaintiff claiming consortium shall be considered first injured where the other spouse was first injured by the wrongful acts or negligent conduct alleged in the action.

12. The provisions of this section shall apply irrespective of whether the defendant is a for-profit or a not-for-profit entity.

13. In any civil action, if all parties agree in writing to a change of venue, the court shall transfer venue to the county within the state unanimously chosen by the parties. If any parties are added to the cause of action after the date of said transfer who do not consent to said transfer then the cause of action shall be transferred to such county in which venue is appropriate under this section, based upon the amended pleadings.

14. A plaintiff is considered first injured where the trauma or exposure occurred rather than where symptoms are first manifested.

Approved July 8, 2014

SB 892 [SCS SB 892]

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

Changes the presidential primary election date from February to March

AN ACT to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof two new sections relating to the presidential primary election date.

SECTION

A. Enacting clause.

115.123. Public elections to be held on certain Tuesdays, exceptions — presidential primary, when held — exemptions.

115.755. Presidential primary, when held.

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

SECTION A. ENACTING CLAUSE. — Sections 115.123 and 115.755, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.123 and 115.755, to read as follows:

115.123. PUBLIC ELECTIONS TO BE HELD ON CERTAIN TUESDAYS, EXCEPTIONS — PRESIDENTIAL PRIMARY, WHEN HELD — EXEMPTIONS. — 1. All public elections shall be held on Tuesday. Except as provided in subsections 2 and 3 of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in November, or on another day expressly provided by city or county charter, and in nonprimary years on the first Tuesday after the first Monday in August. Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the [first] **second** Tuesday after the first Monday in [February] **March** of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting;
- (3) Special elections to fill vacancies and to decide tie votes or election contests; and

(4) Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

4. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter.

115.755. PRESIDENTIAL PRIMARY, WHEN HELD. — A statewide presidential preference primary shall be held on the [first] **second** Tuesday after the first Monday in [February] **March** of each presidential election year.

Approved June 4, 2014

SB 896 [CCS HCS SCS SB 896]

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

Modifies provisions relating to county governance

AN ACT to repeal section 49.272, RSMo, and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133, and sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135, and to enact in lieu thereof four new sections relating to county governance, with a penalty provision.

SECTION

- A. Enacting clause.
- 49.272. County counselor may impose fine for certain violations of rules, regulations or ordinances, amount (Boone, Cass, Jasper, Jefferson, Greene counties, and Buchanan).
- 67.585. Sales tax, recreational and community center district — ballot language — fund created, use of moneys — repeal or termination of tax, effect of — board established. (Clay County)
- 67.587. Sales tax for transportation infrastructure — ballot language — fund created, use of moneys — repeal of tax, ballot language. (New Madrid County)
- 67.1367. Transient guest tax for promotion of tourism — ballot language. (Perry County)
- B. Repealed: Sections 1 to 11 of an act of the General Assembly of the State of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133.
- C. Repealed: Sections 1 to 10 of an act of the General Assembly of the State of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135.

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

SECTION A. ENACTING CLAUSE. — Section 49.272, RSMo, and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, are repealed and four new sections enacted in lieu thereof, to be known as sections 49.272, 67.585, 67.587, and 67.1367, to read as follows:

49.272. COUNTY COUNSELOR MAY IMPOSE FINE FOR CERTAIN VIOLATIONS OF RULES, REGULATIONS OR ORDINANCES, AMOUNT (BOONE, CASS, JASPER, JEFFERSON, GREENE COUNTIES, AND BUCHANAN). — The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, [and in] any county of the first classification without a charter form of government having a

population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants, any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, [and] any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, **and any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat**, which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.

67.585. SALES TAX, RECREATIONAL AND COMMUNITY CENTER DISTRICT — BALLOT LANGUAGE — FUND CREATED, USE OF MONEYS — REPEAL OR TERMINATION OF TAX, EFFECT OF — BOARD ESTABLISHED. (CLAY COUNTY) — 1. The governing body of any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, through the creation of a recreational and community center district which shall include only the area encompassed by the portion of a school district located within that county having an average daily attendance for the 2012-2013 school year between eleven thousand and twelve thousand students and any public park located wholly or partially within that portion of the school district, upon voter approval as outlined in subsections 2 and 3 of this section, shall impose, by order or ordinance, a sales tax on all retail sales made within the recreational and community center district which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one half of one percent and shall be imposed for the purpose of funding the construction, maintenance, and operation of and the purchase of equipment for community centers and other purposes of recreation and wellness as determined by the board which is established in subsection 8 of this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law and shall be stated separately from all other charges and taxes.

2. (1) No such order or ordinance adopted under subsection 1 of this section shall become effective unless the governing body of the county submits to the voters residing within the recreational and community center district on any date available for elections in the county, a proposal to authorize the governing body of the county to impose a tax under this section; or

(2) If the governing body of the county receives a petition signed by ten percent of the registered voters of the county within the recreational and community center district who voted in the last gubernatorial election calling for an election to impose a tax under this section, the governing body shall submit to the voters of the county within the recreational and community center district on any date available for elections in the county, a proposal to authorize the governing body of the county to impose a tax under this section; or

(3) If the governing body of a special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants, and a governing body of a home rule city with more than four hundred thousand inhabitants and located in more than one county, jointly request, the governing body of the county shall submit to the voters of the county within the recreational and community center district on any date available for elections in the county a proposal to authorize the governing body of the county to impose a tax under this section.

All costs associated with placing such a question to the voters within the recreational and community center district shall be borne by the cities referenced in subdivision (3) of subsection 2 of this section. If such tax is authorized by the voters of the recreational and community center district, the cost may be reimbursed to such cities upon implementation of the tax.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a sales tax of (insert amount) within the boundaries of the (insert name) school district for the purpose of funding the construction, repair, improvement, maintenance, and operation of and purchase of equipment for community centers and other recreational facilities and programs? If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by the requisite majority of the qualified voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Recreational and Community Center District Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such county.

6. A question of repeal of the sales tax authorized in this section shall be submitted to the voters on any date available for elections in the county, of the recreational and community center district by the governing body of any county that has adopted the sales tax authorized in this section if:

(1) The board authorized in subsection 8 of this section requests such; or

(2) A petition signed by a number of registered voters of the county within the recreational and community center district equal to at least ten percent of the number of registered voters of the county within the recreational and community center district voting in the last gubernatorial election is received requesting such. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If less than a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section. No tax imposed pursuant to this section for the purpose of retiring bonds, as authorized in subsection 8 in this section, may be terminated until all such bonds have been retired.

7. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the

county shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due to the county.

8. A board shall be established to administer the powers and duties as provided in this section. The board may issue debt for the district as authorized under section 67.798. All board members shall be residents of the recreational and community center district. The board shall consist of eight members as follows:

(1) Four members appointed by the mayor of a home rule city with more than four hundred thousand inhabitants and located in more than one county, with two of the first members appointed for a two-year term and the other two members appointed for a four-year term. Thereafter, each appointment shall be for a four-year term;

(2) Four members appointed by the mayor of a special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants, with two of the first members appointed for a two-year term and the other two members appointed for a four-year term. Thereafter, each appointment shall be for a four-year term; A board member may be removed by the mayor who appointed him or her, at any time during his or her term, for reasons of excessive absence at regularly scheduled board meetings. The mayor shall appoint a replacement member to serve for the remainder of the current term. No member may serve more than two full terms. A partial term shall not be considered a term.

67.587. SALES TAX FOR TRANSPORTATION INFRASTRUCTURE — BALLOT LANGUAGE — FUND CREATED, USE OF MONEYS — REPEAL OF TAX, BALLOT LANGUAGE. (NEW MADRID COUNTY) — 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than twenty thousand but fewer than three thousand seven hundred inhabitants as the county seat may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall be equal to one-half of one percent, and shall be imposed solely for the purpose of improving transportation infrastructure in such county. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the political subdivision) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of funding improvements to transportation infrastructure?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a

majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county and shall submit such question at least every four years. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the political subdivision) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding improvements to transportation infrastructure?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.1367. TRANSIENT GUEST TAX FOR PROMOTION OF TOURISM — BALLOT LANGUAGE. (PERRY COUNTY) — 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants as the county seat may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall be no more than six percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election, a proposal to authorize the governing body of the county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

YES

NO

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

[SECTION 1. In pursuance of a notice published in accordance with the provisions of law, the tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph county, Missouri, that a bill will be presented to the thirty third general assembly of the state of Missouri, asking that two terms of

the Randolph county circuit court be held at the city of Moberly, in said county, with like jurisdiction in all civil and criminal cases arising in said county or removed to the same by change of venue from any other county and like concurrent jurisdiction with, and appellate jurisdiction from, and like superintending control over the probate court, county court, municipal corporation courts, justices of the peace and all inferior tribunals in said county, and like power and jurisdiction over all persons, subjects, matters and things as is or may be provided by law in reference to circuit courts in this state, and for the repeal of "an act to establish a court of common pleas, and define the jurisdiction thereof in the city of Moberly, Randolph county, Missouri," approved February 26, 1875, and all acts amendatory thereof. It is hereby provided that the judge of the Randolph county circuit court shall hold two terms of the circuit court each year in the city of Moberly in the county of Randolph, at the following times, to wit: on the first Monday in February and the third Monday in September.]

[Sec. 2. The judge of the circuit court in Randolph county shall select a suitable place for holding said court at the city of Moberly, and for the various offices herein provided for, and the place so selected by the said judge for the holding the said courts shall be known and designated as the court house at the city of Moberly; and cause the same and said offices to be furnished in a proper manner for said court and its officers and report the rental, cost and expense thereof to the county court of Randolph county, which shall pay the same as other claims against said county are paid out of the county treasury, and the judge of said court may change the place of holding said court in said city of Moberly when he deems it advisable, to some other place in said city.]

[Sec. 3. Said court shall have and exercise like powers and jurisdiction in all civil and criminal causes and proceedings whatsoever arising in said county or removed to the same by change of venue from any other county, and like concurrent jurisdiction with, and appellate jurisdiction from, and like superintending control over the county courts, probate courts, municipal corporation courts, justices of the peace, and all inferior tribunals in said county; and like powers, control and jurisdiction over all persons, corporations, subjects, matters and things as is or may be provided by law with reference to circuit courts in this state.]

[Sec. 4. The circuit clerk of Randolph county shall be clerk of said court and shall attend the same in person or by deputy, and shall perform such duties as may be required of him by law, for which he shall receive the same fees as are provided by law for similar services in like courts.]

[Sec. 5. The clerk of said court shall procure and keep a seal to be used as the seal of said court. He shall also keep an office at the said city of Moberly and shall appoint a deputy, resident of said city of Moberly, for whose acts he shall be responsible, and who shall in his absence have the care and management of all books and papers pertaining to said court, and exercise the powers and perform all the duties of the office in the absence of his principal.]

[Sec. 6. The sheriff of Randolph county shall attend said court in person or by deputy, and perform such duties as shall be required of him by law. He shall also keep an office at said city of Moberly and shall appoint a deputy, resident of said city, who shall keep said office and have the care and management of the same, and exercise the powers and perform all the duties of sheriff of said county in the absence of his principal, for whose acts said principal shall be responsible.]

[Sec. 7. The books, stationery, furniture, fuel, light, rent and other incidental expenses necessary for said court and offices shall be from time to time supplied and paid for out of the county treasury.]

[Sec. 8. All general laws now in force or which may hereafter be enacted, regulating and governing courts of record, and all laws defining the practice and proceedings in such courts, are declared to be in force and effect in the court hereby established.]

[Sec. 9. All causes taken by change of venue from any other county to the circuit court of Randolph county may be transferred and certified into the circuit court either at the city of Huntsville or at the city of Moberly, in said county, unless one of said courts be designated in the order of removal, in which case said cause shall be certified into the court so designated in the order granting the change of venue.]

[Sec. 10. The parties to any suit or proceeding pending in the circuit court of Randolph county may, by agreement, in writing, signed by the said parties or their counsel and filed therein, remove the same from the city of Moberly to the city of Huntsville, or from the city of Huntsville to the city of Moberly, or the judge of the circuit court of said Randolph county, upon the application of either party, and upon reasonable notice to the adverse party may, for good cause shown by affidavit or otherwise, remove any cause as aforesaid from the circuit court at Moberly to the circuit court at Huntsville, or from the circuit court at Huntsville to the circuit court at Moberly; and in such case the judge of said court may order the original papers transferred without the cost of copying the same, and the cause so transferred and removed shall be proceeded with in every respect as in changes of venue from one county to another.]

[Sec. 11. All judgments, orders and decrees of said court shall be a lien upon real estate to the same extent, and shall have like force and effect in every part of said county as similar judgments, orders, decrees and process of the circuit court of said Randolph county held at the city of Huntsville, and all real estate taken in execution by the sheriff of Randolph county under judgments rendered by the said circuit court at the said city of Moberly on all real estate situated in said county, and sold in pursuance of the judgment, order or decree thereof, shall be exposed to sale at the door of the court house at the city of Moberly, in the same time and manner as is or may be regulated by law.]

[Sec. 12. All mechanics' liens upon real estate situate in Randolph county, and all papers, notices and process necessary to be filed or taken in the circuit court to obtain, maintain and complete a lien of any kind authorized by law, upon real estate situate in said county, or upon any personal property, debts, credits, bonds, notes, assets or effects whatsoever may be filed and taken in the circuit court at the city of Moberly with like force and effect as if the same had been filed and taken in the circuit court at Huntsville, in said county. And all suits and process for the enforcement thereof shall be brought in the court where filed.]

[Sec. 13. All appeals from the county court, probate court, municipal corporation courts, justices of the peace and all inferior tribunals in said county of Randolph, may be granted and certified into the circuit court at the city of Moberly, or the circuit court at the city of Huntsville, in said county, as the one place or the other shall, in the opinion of the judge or justice granting the appeal, be most convenient to the parties,

unless the parties to the cause, either by themselves or their attorneys, shall, in writing, filed in said cause, agree as to the appellate court, in which event the appeal shall be certified into the one of said courts so agreed upon in the manner provided by law.]

[**Sec. 14.** The secretary of state shall, after the passage of this act, forward to the clerk of said court, from time to time, all statutes, reports and other books required by law to be furnished to courts of record, for the use of said circuit court of the city of Moberly.]

[**Sec. 15.** The dockets now required by law to be kept by the clerk of the circuit court at the city of Huntsville, of all judgments rendered there, and notices and liens of every kind filed there shall include and contain all judgments, notices and liens rendered by and filed in the circuit court at the city of Moberly, and he shall also keep similar dockets at his office at the city of Moberly, which shall also include and contain all judgments rendered by and notices filed in the circuit court at the city of Huntsville.]

[**Sec. 16.** An act entitled, "an act to establish a court of common pleas, and define the jurisdiction thereof, in the city of Moberly, Randolph county, Missouri," approved February 26th, 1875, and all acts amendatory thereof, are hereby repealed. All the records, books, papers and furniture pertaining to the said court of common pleas are hereby transferred into the said circuit court at Moberly, together with all suits, process and business of every kind pending therein, which shall be proceeded with and determined by the said circuit court in the same manner, and with like effect, as if the same had been begun in said circuit court; and the clerk of said circuit court shall have the custody and control of all the books, records, papers, furniture, and other effects appertaining to the said court of common pleas, which are or may be transferred to the said circuit court, and be responsible therefor, and perform such duties in relation thereto as he is required by law to perform in regard to similar things appertaining to his own office, and he shall, when required, make and certify copies, transcripts and exemplifications of such books, papers and records, which said copies, transcripts and exemplifications shall have the same force and effect as if said act had not been repealed and the same had been made by the clerk of said court of common pleas, and the said circuit court shall have the same power and control over the books, papers and records so transferred, including the power to alter or amend the same in cases allowed by law as it has or may have over its own books, papers and records.]

[**Sec. 17.** All mechanics' liens and other liens of every kind filed in said court of common pleas, and all judgments, orders and decrees of the said court of common pleas remaining unsatisfied, unperformed or unexecuted shall be enforced by the said circuit court to be held at the said city of Moberly, in the said manner as if the same had been filed, rendered or made therein; the said circuit court shall complete the unfinished process of said court of common pleas. The lien of all such process, judgments and decrees shall continue as if the law establishing said court of common pleas, and the acts amendatory thereof, were still in force, and may be revived by the said circuit court, in the manner provided by law for reviving the lien of judgments and decrees of circuit courts in this state; and the clerk of said circuit court may, whenever required, issue execution upon any such judgment or decree in any case authorized by law.]

[**Sec. 18.** All cases which may have been taken by appeal or writ of error from said court of common pleas to the supreme court, upon the decision of said supreme court remanding the same, shall be remanded to the said circuit court to be held at the

city of Moberly, and be therein proceeded with as if the same had been taken from that court, and if any party to any action or proceeding in said court of common pleas shall, after the passage of this act, desire to sue out a writ of error therein, said writ shall be directed to the said circuit court held at the said city of Moberly and be returnable by the clerk thereof.]

[Sec. 19. All writs, rules, process and orders issued or made by the said court of common pleas and returnable to any term of said court, which would be held after the day that this act takes effect if the said court continued in existence, and which shall not have been returned before that day, shall be valid and shall be returned to the said circuit court at the city of Moberly at such time as they would respectively have been returnable in said court, and the said circuit court at Moberly may enforce the return thereof.]

[Sec. 20. All writs and other process of every kind issued from the said court of common pleas, being and remaining unexecuted in the hands of the sheriff of Randolph county, or any other county, shall be proceeded with and executed according to law, and shall be returned to the first term of said circuit court at Moberly, after the taking effect of this act, and all sales of real estate advertised to be made by said sheriff, and not made before the taking effect of this act, shall be made at the first term of the said circuit court at the city of Moberly, to be held after this act takes effect, and the said sheriff shall execute deeds for the same, acknowledge the same before the said circuit court as provided by law. In all cases where sales of real estate have been made upon execution issued from the said court of common pleas, and the deeds therefor have not been executed, the same shall be executed according to law, and the acknowledgment taken and certified before the said circuit court at the city of Moberly.]

[Sec. 21. The necessity of securing to the people of said Randolph county the benefits of this act at as early a day as practicable, by reason of the special circumstances of said county, creates an emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be in force from and after its passage.]

SECTION B. REPEALED: SECTIONS 1 TO 11 OF AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI APPROVED ON FEBRUARY 26, 1885, LAWS OF MISSOURI, PAGES 131 TO 133.— Sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133 are repealed as follows:

[SECTION 1. In pursuance of notice published in accordance with the provisions of law, the tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph county that a bill will be presented to the thirty-third general assembly of the state of Missouri, asking that four terms of the county court of said Randolph county be authorized and required to be held at the city of Moberly in said county, with like power and jurisdiction co-extensive with said county as pertains to similar courts of record in this state, and for the establishment of a place of holding said court, and a county court clerk's office at the city of Moberly, in said county, and a deputy clerk of said court to reside in said city of Moberly and be in charge of said office. It is hereby provided that the judges of the county court of Randolph county, in addition to the terms of the county court of said county, required by law to be held at the city of Huntsville, in said county, be and they are hereby authorized, empowered and required to hold four terms annually of said county court of Randolph county, at

the city of Moberly, in said county, commencing on the second Mondays in February, May, August and November, and may hold special and adjourned terms of said county court at said city of Moberly at any time required, with like power and jurisdiction in all respects co-extensive with said Randolph county as pertains to county courts in this state.]

[Sec. 2. The judges of the county court of Randolph county shall select a suitable place for holding said court at the city of Moberly, and also an office for the clerk of said court at said city of Moberly, which, when so selected, shall be known and designated as the county court room and the county clerk's office at the city of Moberly, and cause the same to be furnished in a proper manner for said county court and said county clerk, the rental cost and expense of which shall be paid as other claims against said county are paid out of the county treasury.]

[Sec. 3. The county clerk of Randolph county shall be clerk of said county court at Moberly, and shall attend the same in person or by deputy, and shall perform such duties as may be required of him by law, for which he shall receive the same fees as are provided by law for similar services in county courts in this state, and in addition thereto he shall be paid out of the county treasury three hundred dollars per annum, in quarterly installments, to enable him to furnish a competent clerk for said office at Moberly as hereinafter provided.]

[Sec. 4. The county clerk of said county shall procure and keep a seal, to be used as the seal of said county court at Moberly. He shall also keep an office at the said city of Moberly and shall appoint a deputy clerk, resident of said city of Moberly, for whose acts he shall be responsible, and who shall, in his absence, have the care and management of all the books and papers pertaining to said county court at Moberly, and exercise the powers and perform all the duties of the office of county clerk at said city of Moberly.]

[Sec. 5. The sheriff of Randolph county shall attend said court, either in person or by deputy, and shall perform such duties as are required of him by law, and for his services he shall receive the fees allowed by law for like services in similar cases, and all process to him directed from said county court at Moberly shall be by him returned into said court at Moberly.]

[Sec. 6. All the books, papers and records pertaining to matters and causes of action pending in said county court, and all business transacted in said county court at the city of Moberly, shall be kept at the county clerk's office herein provided for, at the said city of Moberly; and all business begun in said county court at Moberly, shall be proceeded with to final determination therein, unless removed out of said court according to law; but the parties to any matter or cause of action pending in said county court at Moberly may, by agreement, in writing, signed by the parties or their attorneys, and filed in said court, remove the same into the county court at Huntsville in said county, and parties to any matter or cause of action pending in the county court at the city of Huntsville, in said county, may, in like manner, remove the same into the county court at Moberly, in said county, and said matter or cause of action, when so removed, shall be proceeded in as if it had originated in said court into which it is so removed; and in every such case the clerk of the county court may transfer the original papers on file in said matter or cause, with a certified copy of the record entries in the same, into said court into which said matter or cause of action has been so removed, and the record in said cause shall show such removal and transfer.]

[Sec. 7. all sales of real estate sold at public sale in said county of Randolph in pursuance of the judgments or order of the said county court at Moberly, shall be exposed to sale at the court house door at the city of Moberly, in said county, during the session of the said county court, or some other court of record, at said city of Moberly.]

[Sec. 8. Said county court, at the said city of Moberly, in the exercise of its jurisdiction, shall be governed by the statutes now, or that may hereafter be enacted, defining and limiting the practice in county courts in this state.]

[Sec. 9. The books, stationery, furniture, fuel, lights, rent and other incidental expenses necessary for said court and clerk's office shall be, from time to time, supplied and paid for out the county treasury of Randolph county.]

[Sec. 10. The secretary of state shall, after the passage of this act, forward to the clerk of said county court at the city of Moberly, from time to time, all statutes, reports and other books required by law to be furnished to similar courts of record for the use of said county court at the said city of Moberly.]

[Sec. 11. The necessity of securing to the people of said Randolph county the benefits of this act at as early a day as practicable, by reason of the special circumstances of said county, creates an emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be in force from and after its passage.]

SECTION C. REPEALED: SECTIONS 1 TO 10 OF AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI APPROVED ON FEBRUARY 26, 1885, LAWS OF MISSOURI, PAGES 134 AND 135. — Sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135 are repealed as follows:

[SECTION 1. — In pursuance of notice published in accordance with the provisions of law, the tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph county, that a bill will be presented to the thirty-third general assembly of the state of Missouri, asking that four terms of the probate court of Randolph county be held at the city of Moberly, in said county, with like power and jurisdiction co-extensive with said county as pertain to similar courts of record in this state, and for the establishment of a probate office at said city of Moberly and the appointment of a separate clerk, to reside in said city and be in charge of said office. It is hereby provided that the judge of probate in said Randolph county, in addition to the terms of the probate court required by law to be held at the city of Huntsville, in said county, be and he is hereby authorized, empowered and required to hold four terms annually of said probate court at the city of Moberly, in said county, commencing on the first Monday in February, May, August and November, and may hold special and adjourned terms of said court at said city of Moberly at any time required, with like power and jurisdiction co-extensive with said Randolph county in all matters as pertain to similar courts of record in this state.]

[Sec. 2. The judge of probate of said Randolph county shall have and keep, at the said city of Moberly, an office for the transaction of the business of said court and the keeping of the records thereof, to be selected by himself, and which, when so selected, shall be known and designated as the probate office at the city of Moberly. He shall also appoint a separate clerk, resident of said city of Moberly, for whose acts he shall

be responsible, who shall qualify according to law and have charge of said probate office at Moberly, and in the absence of said judge of probate shall have the custody and control of the books, records, papers and furniture pertaining to said office, and shall discharge all the duties of clerk according to law, and have power and authority to do and perform all acts and duties in vacation, which the judge of said court is or may be authorized to perform in vacation, subject to the confirmation or rejection of said probate court at Moberly at the next regular term thereafter.]

[**Sec. 3.** The judge of probate of said court shall procure and keep a seal, to be used as the seal of said probate court at Moberly, the expense of which, together with the necessary expense incurred by said probate court for books, stationery, furniture, fuel, light, rent and other necessaries, shall be paid by the said Randolph county.]

[**Sec. 4.** All the books, papers and records pertaining to matters and causes of action pending in said court, and all business transacted in said probate court at Moberly, shall be kept at the office herein provided for at the said city of Moberly; and all business begun in said court at Moberly shall be proceeded with to final determination therein, unless removed out of said court according to law. But the parties to any matter or cause of action pending in said probate court at Moberly may, by agreement, in writing, signed by said parties or their attorneys, and filed in said court by order of said court, remove the same into the probate court at Huntsville, in said county; and parties to any matter or cause of action pending in the probate court at Huntsville, in said county, may, in like manner, remove the same into the probate court at Moberly, in said county, and said matter or cause of action, when so removed, shall proceed in as if it had originated in said court into which it is removed; and in every such case the judge of probate may transfer the original papers of file in said matter or cause of action into said court into which said matter or cause of action has been so removed, and his record in said case shall show such removal and transfer.]

[**Sec. 5.** The sheriff of Randolph county, either in person or by deputy, shall attend said court and shall perform such duties as are enjoined upon him by law, and for his services shall receive the fees allowed by law for like services in similar cases, and all process to him directed from the said probate court at Moberly, shall be by him returned into said court at Moberly.]

[**Sec. 6.** The said judge of probate shall receive for his services as judge of said probate court at Moberly, in said Randolph county, the fees allowed by law for like services in similar cases, and in addition thereto an annual salary of five hundred dollars, to be paid in quarterly installments, out of the treasury of said Randolph county, to enable him to employ the separate clerk at the said office at Moberly, herein required and provided for.]

[**Sec. 7.** All real estate sold at public sale in said Randolph county, in pursuance of the judgment, order [or] decree of said probate court at Moberly, shall be exposed to sale at the court house door at the city of Moberly, in said county, during the session of said probate, or some other court of record in said city of Moberly.]

[**Sec. 8.** Said probate court at the said city of Moberly, in the exercise of its jurisdiction, shall be governed by the statutes in relation to administration, to guardians and curators of minors and persons of unsound mind, to apprentices and to such laws as may be enacted defining and limiting the practice in such courts in this state.]

[Sec. 9. The secretary of state shall, after the passage of this act, forward to the clerk of said probate court at Moberly, from time to time, all statutes, reports and other books required by law to be furnished to similar courts of record, for the use of said court at the said city of Moberly.]

[Sec. 10. The necessity of securing to the people of said Randolph county the benefits of this act at as early a day as practicable by reason of the special circumstances of said county, creates an emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be in force from and after its passage.]

Approved June 27, 2014

SB 907 [SB 907]

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

Allows the Carthage School District to transfer unrestricted funds from the incidental to the capital projects funds to complete student safety-related projects

AN ACT to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to safety-related capital projects for schools.

SECTION

- A. Enacting clause.
 165.011. Tuition — accounting of school moneys, funds — uses — transfers to and from incidental fund, when — effect of unlawful transfers — transfers to debt service fund, when — one-time transfer for Carthage School district.

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

SECTION A. ENACTING CLAUSE. — Section 165.011, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 165.011, to read as follows:

165.011. TUITION — ACCOUNTING OF SCHOOL MONEYS, FUNDS — USES — TRANSFERS TO AND FROM INCIDENTAL FUND, WHEN — EFFECT OF UNLAWFUL TRANSFERS — TRANSFERS TO DEBT SERVICE FUND, WHEN — ONE-TIME TRANSFER FOR CARTHAGE SCHOOL DISTRICT. — 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under section 163.031, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education, except as provided in subsection 6 of section 163.031. Money received from other districts for transportation and money derived from taxation for incidental expenses shall be credited to the incidental fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than

refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school district as authorized under section 177.088 shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund, which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may transfer any portion of the unrestricted balance remaining in the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay for more than twenty-five percent of the annual certificated compensation obligation of the district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits for certificated staff shall be paid from the teachers' fund.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that meets the provisions of subsection 6 of section 163.031 may transfer from the incidental fund to the capital projects fund the sum of:

(1) The amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year; plus

(2) Any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools; plus

(3) Current year obligations for lease-purchase obligations entered into prior to January 1, 1997; plus

(4) The amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district, provided that the contract is only for energy conservation measures as defined in section 640.651 and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district; plus

(5) An amount not to exceed the greater of:

(a) One hundred sixty-two thousand three hundred twenty-six dollars; or

(b) Seven percent of the state adequacy target multiplied by the district's weighted average daily attendance, provided that transfer amounts in excess of current year obligations of the capital projects fund authorized under this subdivision may be transferred only by a resolution

of the school board approved by a majority of the board members in office when the resolution is voted on and identifying the specific capital projects to be funded directly by the district by the transferred funds and an estimated expenditure date.

5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection 6 of section 163.031 and not making the transfer under subdivision (5) of subsection 4 of this section, nor making payments or expenditures related to obligations made under section 177.088 may transfer from the incidental fund to the debt service fund or the capital projects fund the greater of:

(1) The state aid received in the 2005-06 school year as a result of no more than eighteen cents of the sum of the debt service and capital projects levy used in the foundation formula and placed in the respective debt service or capital projects fund, whichever fund had the designated tax levy; or

(2) Five percent of the state adequacy target multiplied by the district's weighted average daily attendance.

6. A district with territory in a county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants that maintains the district office in a home rule city with more than thirteen thousand five hundred but fewer than fifteen thousand inhabitants shall be permitted a one-time transfer during school year 2014-15 of unrestricted funds from the incidental fund to the capital projects fund in an amount that leaves the incidental fund at a balance no lower than twenty percent for the purpose of constructing capital projects to improve student safety.

7. Beginning in the 2006-07 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031 an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund or debt service fund performed during the previous year in violation of this section; except that the state aid shall be deducted over no more than five school years following the school year of an unlawful transfer based on a plan from the district approved by the commissioner of elementary and secondary education.

[7.] **8.** A school district may transfer unrestricted funds from the capital projects fund to the incidental fund in any year to avoid becoming financially stressed as defined in subsection 1 of section 161.520. If on June thirtieth of any fiscal year the sum of unrestricted balances in a school district's incidental fund and teacher's fund is less than twenty percent of the sum of the school district's expenditures from those funds for the fiscal year ending on that June thirtieth, the school district may, during the next succeeding fiscal year, transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on that June thirtieth. For purposes of this subsection, in addition to any other restrictions that may apply to funds in the school district's capital projects fund, any funds that are derived from the proceeds of one or more general obligation bond issues shall be considered restricted funds and shall not be transferred to the school district's incidental fund.

Approved July 9, 2014

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HB 1132 [SCS HB 1132]**Changes the laws regarding a tax credit for contributions to a maternity home, pregnancy resource center, or a food pantry**

AN ACT to repeal sections 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof three new sections relating to benevolent tax credits.

Vetoed July 9, 2014

HB 1261 [HCS HB 1261]**Changes the laws regarding audits for transportation development districts**

AN ACT to repeal sections 105.145, 238.222, and 238.272, RSMo, and to enact in lieu thereof three new sections relating to transportation development districts.

Vetoed July 2, 2014

HB 1296 [SCS HCS HB 1296]**Changes the laws regarding taxes based on sales**

AN ACT to repeal sections 143.451, 144.049, and 144.080, RSMo, and to enact in lieu thereof three new sections relating to taxes based on sales, with an existing penalty provision.

Vetoed June 11, 2014

HB 1307 [SCS HCS HBs 1307 & 1313]**Changes the minimum waiting period before a woman can have an abortion from 24 hours to 72 hours**

AN ACT to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof two new sections relating to the required waiting period before having an abortion.

Vetoed July 2, 2014

HB 1326 [SS SCS HCS HB 1326]**Changes the laws regarding agriculture**

AN ACT to repeal sections 144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 304.180, 340.381, 340.396, 442.571, and 537.325, RSMo, and to enact in lieu thereof seventeen new sections relating to agriculture.

Vetoed July 8, 2014

HB 1359 [HB 1359]

Authorizes the Missouri State Capitol Commission and the Office of Administration to enter into contracts for events held at the State Capitol and the Missouri State Penitentiary historic site

AN ACT to repeal section 8.007, RSMo, and to enact in lieu thereof two new sections relating to contracts for the sale of certain items at events held in state-owned buildings.

Vetoed July 10, 2014

HB 1455 [HB 1455]

Changes the laws regarding burdens of proof for the director of revenue in ascertaining tax liability of a taxpayer

AN ACT to repeal section 136.300, RSMo, and to enact in lieu thereof one new section relating to tax liability disputes.

Vetoed June 11, 2014

HB 1553 [CCS SCS HB 1553]

Changes the laws regarding political subdivisions

AN ACT to repeal sections 50.660, 50.783, 67.281, 72.401, 82.300, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 99.805, 99.825, 162.481, 182.802, 349.045, and 483.140, RSMo, and to enact in lieu thereof nineteen new sections relating to political subdivisions.

Vetoed July 7, 2014

HB 1707 [CCS SS HB 1707]

Allows community college police officers to establish regulations to control vehicular traffic, creates additional requirements for tow truck businesses, specifies that any member of the crew of a locomotive o

AN ACT to repeal sections 174.709, 174.712, 178.862, 300.320, 304.154, 610.120, and 610.122, RSMo, and to enact in lieu thereof seven new sections relating to the operation of motor vehicles.

Vetoed July 7, 2014

HB 1865 [SS SCS HB 1865]

Modifies provisions of law relating to sales and use tax exemptions for utilities used or consumed in the preparation of food and defines what is considered a sale in this state.

AN ACT to repeal section 143.451, RSMo, and to enact in lieu thereof two new sections relating to taxation.

Vetoed June 12, 2014

HB 1999 [HCS HB 1999]

Changes the laws regarding liens or encumbrances upon a motor vehicle or trailer

AN ACT to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to the electronic transmission of motor vehicle lien documents.

Vetoed July 2, 2014

SB 493 [CCS HCS SCS SBs 493, 485, 495, 516, 534, 545, 595, 616 & 624]

Modifies provisions relating to elementary and secondary education

AN ACT to repeal 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 163.073, 163.410, 167.121, 167.131, 171.029, 171.031, 171.033, 177.011, 177.088, and 210.861, RSMo, and to enact in lieu thereof forty-seven new sections relating to elementary and secondary education, with an emergency clause.

Vetoed June 24, 2014

SB 506 [HCS SB 506]

Modifies provisions relating to agriculture

AN ACT to repeal sections 144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 304.180, 340.381, 340.396, 442.571, and 537.325, RSMo, and to enact in lieu thereof seventeen new sections relating to agriculture.

Vetoed July 8, 2014

SB 508 [HCS SB 508]**Modifies various provisions relating to health insurance**

AN ACT to repeal sections 43.530, 105.711, 208.631, 208.636, 208.640, 208.643, 208.646, and 376.2004, RSMo, and to enact in lieu thereof nine new sections relating to health insurance, with a penalty provision.

Vetoed July 7, 2014

SB 509 [SS#3 SCS SBs 509 & 496]**Modifies provisions relating to income taxes**

AN ACT to repeal sections 143.011, 143.021, and 143.151, RSMo, and to enact in lieu thereof four new sections relating to income taxes.

Vetoed May 1, 2014
Overridden May 6, 2014

SB 523 [SB 523]**Prohibits school districts from requiring a student to use an identification device that uses radio frequency identification technology to transmit certain information**

AN ACT to amend chapter 167, RSMo, by adding thereto one new section relating to the use of radio frequency identification technology in school districts.

Vetoed July 9, 2014

SB 575 [HCS SS SB 575]**Modifies and repeals a number of existing, expired or obsolete committees as well as creating the new Joint Committee on Judiciary and Justice**

AN ACT to repeal sections 8.597, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 21.530, 21.535, 21.537, 21.795, 21.800, 21.801, 21.820, 21.835, 21.850, 21.910, 21.920, 30.953, 30.954, 30.956, 30.959, 30.962, 30.965, 30.968, 30.971, 33.150, 33.850, 37.250, 135.210, 135.230, 167.042, 167.195, 191.115, 191.934, 197.291, 208.952, 208.955, 210.153, 215.261, 215.262, 217.025, 217.550, 217.567, 262.950, 301.129, 313.001, 320.092, 338.321, 348.439, 361.120, 376.1190, 383.250, 386.145, 476.681, 620.050, 620.602, 620.1300, 630.010, 630.461, and 650.120, RSMo, section 105.955 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 208.275 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 555 merged with senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session, section 208.275 as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth

general assembly, first regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof twenty-one new sections relating to the existence of certain committees.

Vetoed July 10, 2014

SB 584 [CCS HCS SB 584]

Specifies which places of amusement, entertainment, recreation, games, and athletic events must collect sales tax

AN ACT to repeal sections 136.300, 142.815, 143.221, 143.451, 144.010, 144.018, 144.020, 144.030, 144.044, 144.080, 144.190, and 221.407, RSMo, and to enact in lieu thereof fifteen new sections relating to taxation, with an existing penalty provision.

Vetoed June 11, 2014

SB 593 [SS SCS SB 593]

Modifies provisions relating to nonpartisan elections

AN ACT to repeal section 115.124, RSMo, and to enact in lieu thereof two new sections relating to nonpartisan elections.

Vetoed July 2, 2014

SB 612 [CCS SCS SB 612]

Extends allocation of tax revenues from the nonresident entertainer and athlete tax until December 31, 2020

AN ACT to repeal sections 143.183, 143.451, 144.021, and 144.054, RSMo, and to enact in lieu thereof four new sections relating to taxation.

Vetoed June 11, 2014

SB 615 [CCS HCS SB 615]

Modifies provisions of law relating to court costs

AN ACT to repeal sections 49.272, 452.556, 476.056, 478.320, 478.437, 478.464, 478.513, 478.600, 483.140, 488.012, 488.014, 488.426, 488.607, 550.040, 550.060, 575.153, and 610.021, RSMo, section 476.385 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 476.385 as enacted by conference committee substitute for senate

substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to the administration of justice, with an existing penalty provision, and an emergency clause for certain sections.

Vetoed July 8, 2014

SB 656 [CCS HCS SB 656]

Modifies the live fire exercise and testing requirements for a concealed carry permit

AN ACT to repeal sections 21.750, 84.340, 571.030, 571.101, 571.107, 571.111, 571.117, 575.153, 590.010, and 590.205, RSMo, and to enact in lieu thereof sixteen new sections relating to firearms, with penalty provisions.

Vetoed July 14, 2014

SB 662 [CCS HCS SB 662]

Requires the Department of Revenue to notify affected sellers of certain decisions modifying sales tax law

AN ACT to repeal sections 143.451, 144.021, and 144.080, RSMo, and to enact in lieu thereof four new sections relating to taxation, with existing penalty provisions.

Vetoed June 11, 2014

SB 673 [SS SB 673]

Modifies the duration of unemployment compensation the method to pay federal advances, and raises the fund trigger causing contribution rate reductions

AN ACT to repeal sections 288.060, 288.122, and 288.330, RSMo, and to enact in lieu thereof three new sections relating to employment security.

Vetoed June 17, 2014

SB 675 [SCS SB 675]

Allows political subdivisions to assign operation of a retirement plan to the Missouri Local Government Employees' Retirement system

AN ACT to amend chapter 70, RSMo, by adding thereto one new section relating to the Missouri local government employees' retirement system.

Vetoed July 10, 2014

SB 693 [CCS#2 HCS SB 693]**Modifies provisions relating to taxation**

AN ACT to repeal sections 99.845, 135.700, 143.041, 143.071, 143.191, 143.451, 144.030, 144.044, 144.610, 285.230, 285.232, 285.233, and 285.234, RSMo, and to enact in lieu thereof twenty-two new sections relating to taxation, with existing penalty provisions.

Vetoed June 11, 2014

SB 694 [HCS SS SB 694]**Modifies the law relating to payday loans**

AN ACT to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

Vetoed July 10, 2014

SB 727 [HCS SB 727]**Modifies provisions relating to farmers' market and SNAP benefits**

AN ACT to amend chapters 144 and 208, RSMo, by adding thereto three new sections relating to farmers' markets.

Vetoed June 11, 2014

SB 731 [SCS SB 731]**Modifies provisions relating to nuisance ordinances and actions**

AN ACT to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, and 82.1030, RSMo, and to enact in lieu thereof six new sections relating to property regulations in certain cities and counties.

Vetoed July 7, 2014

SB 829 [SCS SB 829]**Modifies provisions relating to burden of proof in tax liability cases**

AN ACT to repeal section 136.300, RSMo, and to enact in lieu thereof one new section relating to tax liability disputes.

Vetoed June 11, 2014

SB 841 [SS SCS SB 841]**Modifies provisions relating to alternative nicotine or vapor products**

AN ACT to repeal sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof seven new sections relating to alternative nicotine or vapor products, with penalty provisions.

Vetoed July 14, 2014

SB 860 [CCS HCS SS SB 860]**Modifies provisions relating to taxation**

AN ACT to repeal sections 143.221, 144.044, 144.049, 144.080, and 144.190, RSMo, and to enact in lieu thereof six new sections relating to taxation, with an existing penalty provision.

Vetoed June 11, 2014

SB 866 [SS SB 866]**Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans**

AN ACT to amend chapter 408, RSMo, by adding thereto one new section relating to installment loan lenders.

Vetoed July 10, 2014

VETOED BILLS OVERRIDDEN

HB 1132 [SCS HB 1132]

Changes the laws regarding a tax credit for contributions to a maternity home, pregnancy resource center, or a food pantry

AN ACT to repeal sections 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof three new sections relating to benevolent tax credits.

Vetoed July 9, 2014
Overridden September 10, 2014

Please consult page 1825 for the full text of HB 1132.

HB 1307 [SCS HCS HBs 1307 & 1313]

Changes the minimum waiting period before a woman can have an abortion from 24 hours to 72 hours

AN ACT to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof two new sections relating to the required waiting period before having an abortion.

Vetoed July 2, 2014
Overridden September 10, 2014

Please consult page 1829 for the full text of HB 1307 & 1313.

SB 509 [SS#3 SCS SBs 509 & 496]

Modifies provisions relating to income taxes

AN ACT to repeal sections 143.011, 143.021, and 143.151, RSMo, and to enact in lieu thereof four new sections relating to income taxes.

Vetoed May 1, 2014
Overridden May 6, 2014

Please consult page 1835 or the Senate Bills, page 1414, for the full text of SB 509 & 496.

SB 523 [SB 523]

Prohibits school districts from requiring a student to use an identification device that uses radio frequency identification technology to transmit certain information

AN ACT to amend chapter 167, RSMo, by adding thereto one new section relating to the use of radio frequency identification technology in school districts.

Vetoed July 9, 2014

Overridden September 10, 2014

Please consult page 1838 for the full text of SB 523.

SB 593 [SS SCS SB 593]

Modifies provisions relating to nonpartisan elections

AN ACT to repeal section 115.124, RSMo, and to enact in lieu thereof two new sections relating to nonpartisan elections.

Vetoed July 2, 2014

Overridden September 10, 2014

Please consult page 1838 for the full text of SB 593.

SB 656 [CCS HCS SB 656]

Modifies the live fire exercise and testing requirements for a concealed carry permit

AN ACT to repeal sections 21.750, 84.340, 571.030, 571.101, 571.107, 571.111, 571.117, 575.153, 590.010, and 590.205, RSMo, and to enact in lieu thereof sixteen new sections relating to firearms, with penalty provisions.

Vetoed July 14, 2014

Overridden September 10, 2014

Please consult page 1842 for the full text of SB 656.

SB 727 [HCS SB 727]

Modifies provisions relating to farmers' market and SNAP benefits

AN ACT to amend chapters 144 and 208, RSMo, by adding thereto three new sections relating to farmers' markets.

Vetoed June 11, 2014

Overridden September 10, 2014

Please consult page 1862 for the full text of SB 727.

SB 731 [SCS SB 731]

Modifies provisions relating to nuisance ordinances and actions

AN ACT to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, and 82.1030, RSMo, and to enact in lieu thereof six new sections relating to property regulations in certain cities and counties.

Vetoed July 7, 2014

Overridden September 10, 2014

Please consult page 1865 for the full text of SB 731.

SB 829 [SCS SB 829]

Modifies provisions relating to burden of proof in tax liability cases

AN ACT to repeal section 136.300, RSMo, and to enact in lieu thereof one new section relating to tax liability disputes.

Vetoed June 11, 2014

Overridden September 10, 2014

Please consult page 1869 for the full text of SB 829.

SB 841 [SS SCS SB 841]

Modifies provisions relating to alternative nicotine or vapor products

AN ACT to repeal sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof seven new sections relating to alternative nicotine or vapor products, with penalty provisions.

Vetoed July 14, 2014

Overridden September 10, 2014

Please consult page 1870 for the full text of SB 841.

SB 866 [SS SB 866]

Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans

AN ACT to amend chapter 408, RSMo, by adding thereto one new section relating to installment loan lenders.

Vetoed July 10, 2014

Overridden September 10, 2014

Please consult page 1876 for the full text of SB 866.

HB 1132 [SCS HB 1132]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding a tax credit for contributions to a maternity home, pregnancy resource center, or a food pantry

AN ACT to repeal sections 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof three new sections relating to benevolent tax credits.

SECTION

- A. Enacting clause.
- 135.600. Definitions — tax credit, amount — limitations — director of social services determinations, classification of maternity homes — effective date — no new credits issued, when
- 135.630. Tax credit for contributions to pregnancy resource centers, definitions — amount — limitations — determination of qualifying centers — cumulative amount of credits — apportionment procedure, reapportionment of credits — identity of contributors provided to director, confidentiality — sunset provision.
- 135.647. Donated food tax credit — definitions — amount — procedure to claim the credit — rulemaking authority — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Sections 135.600, 135.630, and 135.647, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 135.600, 135.630, and 135.647, to read as follows:

135.600. DEFINITIONS — TAX CREDIT, AMOUNT — LIMITATIONS — DIRECTOR OF SOCIAL SERVICES DETERMINATIONS, CLASSIFICATION OF MATERNITY HOMES — EFFECTIVE DATE — NO NEW CREDITS ISSUED, WHEN — 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars **for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014.**

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999. **No tax credits shall be issued under this section after June 30, 2020.**

135.630. TAX CREDIT FOR CONTRIBUTIONS TO PREGNANCY RESOURCE CENTERS, DEFINITIONS—AMOUNT—LIMITATIONS—DETERMINATION OF QUALIFYING CENTERS—CUMULATIVE AMOUNT OF CREDITS—APPORTIONMENT PROCEDURE, REAPPORTIONMENT OF CREDITS—IDENTITY OF CONTRIBUTORS PROVIDED TO DIRECTOR, CONFIDENTIALITY—SUNSET PROVISION.—1. As used in this section, the following terms mean:

- (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "Pregnancy resource center", a nonresidential facility located in this state:
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and

material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

- (b) Where childbirths are not performed; and
- (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
- (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
- (e) Which provides its services at no cost to its clients; and
- (f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and
- (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars **for all fiscal years ending on or before June 30,**

2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of March 29, 2013, and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.647. DONATED FOOD TAX CREDIT — DEFINITIONS — AMOUNT — PROCEDURE TO CLAIM THE CREDIT — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms shall mean:

(1) "Local food pantry", any food pantry that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. (1) Beginning on March 29, 2013, any donation of cash or food made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, any taxpayer who donates cash or food, unless such food is donated after the food's expiration date, to any local food pantry shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount

of the taxpayer's state tax liability for the tax year that the credit is claimed, and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry in any one fiscal year shall not exceed one million [two] **seven** hundred fifty thousand dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

4. Any local food pantry may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of March 29, 2013, and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

Vetoed July 9, 2014

Overridden September 10, 2014

HB 1307 [SCS HCS HBs 1307 & 1313]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the minimum waiting period before a woman can have an abortion from 24 hours to 72 hours

AN ACT to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof two new sections relating to the required waiting period before having an abortion.

SECTION

- A. Enacting clause.
- 188.027. Consent, voluntary and informed, required — procedure, contents — information to be presented in person — alleviation of pain, requirements — medical emergency, procedure — payment prohibited, when — written materials required, when — emergency rules authorized — waiting period restrained or enjoined, effect of.
- 188.039. Seventy-two hour waiting period for abortions required — medical emergency exception, definition — informed consent requirements — department to provide model consent forms — waiting period restrained or enjoined, effect of.

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

SECTION A. ENACTING CLAUSE. — Sections 188.027 and 188.039, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 188.027 and 188.039, to read as follows:

188.027. CONSENT, VOLUNTARY AND INFORMED, REQUIRED — PROCEDURE, CONTENTS — INFORMATION TO BE PRESENTED IN PERSON — ALLEVIATION OF PAIN, REQUIREMENTS — MEDICAL EMERGENCY, PROCEDURE — PAYMENT PROHIBITED, WHEN — WRITTEN MATERIALS REQUIRED, WHEN — EMERGENCY RULES AUTHORIZED — WAITING PERIOD RESTRAINED OR ENJOINED, EFFECT OF. — 1. Except in the case of medical emergency, no abortion shall be performed or induced on a woman without her voluntary and informed consent, given freely and without coercion. Consent to an abortion is voluntary and informed and given freely and without coercion[,] if, and only if, at least [twenty-four] **seventy-two** hours prior to the abortion:

(1) The physician who is to perform or induce the abortion or a qualified professional has informed the woman[,] orally, reduced to writing, and in person, of the following:

(a) The name of the physician who will perform or induce the abortion;

(b) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including:

a. A description of the proposed abortion method;

b. The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and

c. The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child's gestational age, and the woman's medical history and medical condition;

(c) Alternatives to the abortion which shall include making the woman aware that information and materials shall be provided to her detailing such alternatives to the abortion;

(d) A statement that the physician performing or inducing the abortion is available for any questions concerning the abortion, together with the telephone number that the physician may be later reached to answer any questions that the woman may have;

(e) The location of the hospital that offers obstetrical or gynecological care located within thirty miles of the location where the abortion is performed or induced and at which the physician performing or inducing the abortion has clinical privileges and where the woman may receive follow-up care by the physician if complications arise;

(f) The gestational age of the unborn child at the time the abortion is to be performed or induced; and

(g) The anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed or induced;

(2) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department, which describe the probable anatomical and physiological characteristics of the unborn child at two-week

gestational increments from conception to full term, including color photographs or images of the developing unborn child at two-week gestational increments. Such descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development and information on when the unborn child is viable. The printed materials shall prominently display the following statement: "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being.";

(3) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department, which describe the various surgical and drug-induced methods of abortion relevant to the stage of pregnancy, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and the possible adverse psychological effects associated with an abortion;

(4) The physician who is to perform or induce the abortion or a qualified professional shall provide the woman with the opportunity to view at least [twenty-four] **seventy-two** hours prior to the abortion an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The woman shall be provided with a geographically indexed list maintained by the department of health care providers, facilities, and clinics that perform ultrasounds, including those that offer ultrasound services free of charge. Such materials shall provide contact information for each provider, facility, or clinic including telephone numbers and, if available, website addresses. Should the woman decide to obtain an ultrasound from a provider, facility, or clinic other than the abortion facility, the woman shall be offered a reasonable time to obtain the ultrasound examination before the date and time set for performing or inducing an abortion. The person conducting the ultrasound shall ensure that the active ultrasound image is of a quality consistent with standard medical practice in the community, contains the dimensions of the unborn child, and accurately portrays the presence of external members and internal organs, if present or viewable, of the unborn child. The auscultation of fetal heart tone must also be of a quality consistent with standard medical practice in the community. If the woman chooses to view the ultrasound or hear the heartbeat or both at the abortion facility, the viewing or hearing or both shall be provided to her at the abortion facility at least [twenty-four] **seventy-two** hours prior to the abortion being performed or induced;

(5) Prior to an abortion being performed or induced on an unborn child of twenty-two weeks gestational age or older, the physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department that offer information on the possibility of the abortion causing pain to the unborn child. This information shall include, but need not be limited to, the following:

(a) At least by twenty-two weeks of gestational age, the unborn child possesses all the anatomical structures, including pain receptors, spinal cord, nerve tracts, thalamus, and cortex, that are necessary in order to feel pain;

(b) A description of the actual steps in the abortion procedure to be performed or induced, and at which steps the abortion procedure could be painful to the unborn child;

(c) There is evidence that by twenty-two weeks of gestational age, unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted as a response to pain;

(d) Anesthesia is given to unborn children who are twenty-two weeks or more gestational age who undergo prenatal surgery;

(e) Anesthesia is given to premature children who are twenty-two weeks or more gestational age who undergo surgery;

(f) Anesthesia or an analgesic is available in order to minimize or alleviate the pain to the unborn child;

(6) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining to the woman alternatives to abortion she may wish to consider. Such materials shall:

(a) Identify on a geographical basis public and private agencies available to assist a woman in carrying her unborn child to term, and to assist her in caring for her dependent child or placing her child for adoption, including agencies commonly known and generally referred to as pregnancy resource centers, crisis pregnancy centers, maternity homes, and adoption agencies. Such materials shall provide a comprehensive list by geographical area of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies; provided that such materials shall not include any programs, services, organizations, or affiliates of organizations that perform or induce, or assist in the performing or inducing[,] of, abortions or that refer for abortions;

(b) Explain the Missouri alternatives to abortion services program under section 188.325, and any other programs and services available to pregnant women and mothers of newborn children offered by public or private agencies which assist a woman in carrying her unborn child to term and assist her in caring for her dependent child or placing her child for adoption, including but not limited to prenatal care; maternal health care; newborn or infant care; mental health services; professional counseling services; housing programs; utility assistance; transportation services; food, clothing, and supplies related to pregnancy; parenting skills; educational programs; job training and placement services; drug and alcohol testing and treatment; and adoption assistance;

(c) Identify the state website for the Missouri alternatives to abortion services program under section 188.325, and any toll-free number established by the state operated in conjunction with the program;

(d) Prominently display the statement: "There are public and private agencies willing and able to help you carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The state of Missouri encourages you to contact those agencies before making a final decision about abortion. State law requires that your physician or a qualified professional give you the opportunity to call agencies like these before you undergo an abortion.";

(7) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining that the father of the unborn child is liable to assist in the support of the child, even in instances where he has offered to pay for the abortion. Such materials shall include information on the legal duties and support obligations of the father of a child, including, but not limited to, child support payments, and the fact that paternity may be established by the father's name on a birth certificate or statement of paternity, or by court action. Such printed materials shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling the family support division within the Missouri department of social services; and

(8) The physician who is to perform or induce the abortion or a qualified professional shall inform the woman that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

2. All information required to be provided to a woman considering abortion by subsection 1 of this section shall be presented to the woman individually, in the physical presence of the woman and in a private room, to protect her privacy, to maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances, to ensure she has an adequate opportunity to ask questions, and to ensure that she is not a victim of coerced abortion. Should a woman be unable to read materials provided to her, they shall be read to her. Should a woman need an interpreter to understand the information presented in the written

materials, an interpreter shall be provided to her. Should a woman ask questions concerning any of the information or materials, answers shall be provided in a language she can understand.

3. No abortion shall be performed or induced unless and until the woman upon whom the abortion is to be performed or induced certifies in writing on a checklist form provided by the department that she has been presented all the information required in subsection 1 of this section, that she has been provided the opportunity to view an active ultrasound image of the unborn child and hear the heartbeat of the unborn child if it is audible, and that she further certifies that she gives her voluntary and informed consent, freely and without coercion, to the abortion procedure.

4. No abortion shall be performed or induced on an unborn child of twenty-two weeks gestational age or older unless and until the woman upon whom the abortion is to be performed or induced has been provided the opportunity to choose to have an anesthetic or analgesic administered to eliminate or alleviate pain to the unborn child caused by the particular method of abortion to be performed or induced. The administration of anesthesia or analgesics shall be performed in a manner consistent with standard medical practice in the community.

5. No physician shall perform or induce an abortion unless and until the physician has obtained from the woman her voluntary and informed consent given freely and without coercion. If the physician has reason to believe that the woman is being coerced into having an abortion, the physician or qualified professional shall inform the woman that services are available for her and shall provide her with private access to a telephone and information about such services, including but not limited to the following:

- (1) Rape crisis centers, as defined in section 455.003;
- (2) Shelters for victims of domestic violence, as defined in section 455.200; and
- (3) Orders of protection, pursuant to chapter 455.

6. No physician shall perform or induce an abortion unless and until the physician has received and signed a copy of the form prescribed in subsection 3 of this section. The physician shall retain a copy of the form in the patient's medical record.

7. In the event of a medical emergency as provided by section [188.075] **188.039**, the physician who performed or induced the abortion shall clearly certify in writing the nature and circumstances of the medical emergency. This certification shall be signed by the physician who performed or induced the abortion, and shall be maintained under section 188.060.

8. No person or entity shall require, obtain, or accept payment for an abortion from or on behalf of a patient until at least [twenty-four] **seventy-two** hours have passed since the time that the information required by subsection 1 **of this section** has been provided to the patient. Nothing in this subsection shall prohibit a person or entity from notifying the patient that payment for the abortion will be required after the [twenty-four-hour] **seventy-two-hour** period has expired if she voluntarily chooses to have the abortion.

9. The term "qualified professional" as used in this section shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

10. By November 30, 2010, the department shall produce the written materials and forms described in this section. Any written materials produced shall be printed in a typeface large enough to be clearly legible. All information shall be presented in an objective, unbiased manner designed to convey only accurate scientific and medical information. The department shall furnish the written materials and forms at no cost and in sufficient quantity to any person who performs or induces abortions, or to any hospital or facility that provides abortions. The department shall make all information required by subsection 1 of this section available to the public through its department website. The department shall maintain a toll-free, twenty-four-

hour hotline telephone number where a caller can obtain information on a regional basis concerning the agencies and services described in subsection 1 of this section. No identifying information regarding persons who use the website shall be collected or maintained. The department shall monitor the website on a regular basis to prevent tampering and correct any operational deficiencies.

11. In order to preserve the compelling interest of the state to ensure that the choice to consent to an abortion is voluntary and informed, and given freely and without coercion, the department shall use the procedures for adoption of emergency rules under section 536.025 in order to promulgate all necessary rules, forms, and other necessary material to implement this section by November 30, 2010.

12. If the provisions in subsections 1 and 8 of this section requiring a seventy-two-hour waiting period for an abortion are ever temporarily or permanently restrained or enjoined by judicial order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that if such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.

188.039. SEVENTY-TWO HOUR WAITING PERIOD FOR ABORTIONS REQUIRED — MEDICAL EMERGENCY EXCEPTION, DEFINITION — INFORMED CONSENT REQUIREMENTS — DEPARTMENT TO PROVIDE MODEL CONSENT FORMS — WAITING PERIOD RESTRAINED OR ENJOINED, EFFECT OF. — 1. For purposes of this section, "medical emergency" means a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

2. Except in the case of medical emergency, no person shall perform or induce an abortion unless at least [twenty-four] **seventy-two** hours prior thereto the physician who is to perform or induce the abortion or a qualified professional has conferred with the patient and discussed with her the indicators and contraindicators, and risk factors including any physical, psychological, or situational factors for the proposed procedure and the use of medications, including but not limited to mifepristone, in light of her medical history and medical condition. For an abortion performed or an abortion induced by a drug or drugs, such conference shall take place at least [twenty-four] **seventy-two** hours prior to the writing or communication of the first prescription for such drug or drugs in connection with inducing an abortion. Only one such conference shall be required for each abortion.

3. The patient shall be evaluated by the physician who is to perform or induce the abortion or a qualified professional during the conference for indicators and contraindicators, risk factors including any physical, psychological, or situational factors which would predispose the patient to or increase the risk of experiencing one or more adverse physical, emotional, or other health reactions to the proposed procedure or drug or drugs in either the short or long term as compared with women who do not possess such risk factors.

4. At the end of the conference, and if the woman chooses to proceed with the abortion, the physician who is to perform or induce the abortion or a qualified professional shall sign and shall cause the patient to sign a written statement that the woman gave her informed consent freely and without coercion after the physician or qualified professional had discussed with her the indicators and contraindicators, and risk factors, including any physical, psychological, or situational factors. All such executed statements shall be maintained as part of the patient's medical file, subject to the confidentiality laws and rules of this state.

5. The director of the department of health and senior services shall disseminate a model form that physicians or qualified professionals may use as the written statement required by this section, but any lack or unavailability of such a model form shall not affect the duties of the physician or qualified professional set forth in subsections 2 to 4 of this section.

6. As used in this section, the term "qualified professional" shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

7. **If the provisions in subsection 2 of this section requiring a seventy-two-hour waiting period for an abortion are ever temporarily or permanently restrained or enjoined by judicial order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that if such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.**

Vetoed July 2, 2014
Overridden September 10, 2014

SB 509 [SS#3 SCS SBs 509 & 496]

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

Modifies provisions relating to income taxes

AN ACT to repeal sections 143.011, 143.021, and 143.151, RSMo, and to enact in lieu thereof four new sections relating to income taxes.

SECTION

- A. Enacting clause.
- 143.011. Resident individuals — tax rates.
- 143.021. Tax determined by rates in Section 143.011.
- 143.022. Deduction for business income — business income defined — increase in percentage of subtraction, when.
- 143.151. Missouri personal exemptions.

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

SECTION A. ENACTING CLAUSE. — Sections 143.011, 143.021, and 143.151, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 143.011, 143.021, 143.022, and 143.151, to read as follows:

143.011. RESIDENT INDIVIDUALS—TAX RATES. — **1.** A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000

Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. The top rate of tax shall not be reduced below five and one-half percent. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half of a percent.

3. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

4. As used in this section, the following terms mean:

(1) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015;

(2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index.

143.021. TAX DETERMINED BY RATES IN SECTION 143.011. — Every resident having a taxable income [of less than nine thousand dollars] shall determine his **or her** tax from [a tax table prescribed by the director of revenue and based upon] the rates provided in section 143.011. [The tax table shall be on the basis of one hundred dollar increments of taxable income below nine thousand dollars. The tax provided in the table shall be the amount rounded

to the nearest whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint of each increment, except] There shall be no tax on a taxable income of less than one hundred dollars. [Every resident having a taxable income of nine thousand dollars or more shall determine his tax from the rate provided in section 143.011.]

143.022. DEDUCTION FOR BUSINESS INCOME — BUSINESS INCOME DEFINED — INCREASE IN PERCENTAGE OF SUBTRACTION, WHEN. — 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; and

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income.

3. In the case of an S corporation described in section 143.471 or a partnership, computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivisions (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

(1) The shareholders of an S corporation as described in section 143.471;

(2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty-five percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.

143.151. MISSOURI PERSONAL EXEMPTIONS. — For all taxable years beginning before January 1, 1999, a resident shall be allowed a deduction of one thousand two hundred dollars for himself or herself and one thousand two hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes. For all taxable years beginning on or after January 1, 1999, a resident shall be allowed a deduction of two thousand one hundred dollars for himself or herself and two thousand one hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes. **For all tax years beginning on or after January 1, 2017, a resident with a Missouri adjusted gross income of less than twenty thousand dollars shall**

be allowed an additional deduction of five hundred dollars for himself or herself and an additional five hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes and his or her spouse's Missouri adjusted gross income is less than twenty thousand dollars.

Vetoed May 1, 2014
Overridden May 6, 2014

SB 523 [SB 523]

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

Prohibits school districts from requiring a student to use an identification device that uses radio frequency identification technology to transmit certain information

AN ACT to amend chapter 167, RSMo, by adding thereto one new section relating to the use of radio frequency identification technology in school districts.

SECTION

- A. Enacting clause.
167.168. Radio frequency identification technology, students not required to use identification device to monitor or track student location — definition.

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

SECTION A. ENACTING CLAUSE. — Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.168, to read as follows:

167.168. RADIO FREQUENCY IDENTIFICATION TECHNOLOGY, STUDENTS NOT REQUIRED TO USE IDENTIFICATION DEVICE TO MONITOR OR TRACK STUDENT LOCATION — DEFINITION. — **1. No school district shall require a student to use an identification device that uses radio frequency identification technology, or similar technology, to identify the student, transmit information regarding the student, or monitor or track the location of the student.**

2. For purposes of this section, "radio frequency identification technology" shall mean a wireless identification system that uses an electromagnetic radio frequency signal to transmit data without physical contact between a card, badge, or tag and another device.

Vetoed July 9, 2014
Overridden September 10, 2014

SB 593 [SS SCS SB 593]

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

Modifies provisions relating to nonpartisan elections

AN ACT to repeal section 115.124, RSMo, and to enact in lieu thereof two new sections relating to nonpartisan elections.

SECTION

- A. Enacting clause.
- 115.124. Nonpartisan election in political subdivision or special district, no election required if number of candidates filing is same as number of positions to be filled — exceptions — random drawing filing procedure followed when election is required — municipal elections, certain municipalities may submit requirements of subsection 1 to voters.
- 190.336. Recall, board members subject to — procedure.

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

SECTION A. ENACTING CLAUSE. — Section 115.124, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.124 and 190.336, to read as follows:

115.124. NONPARTISAN ELECTION IN POLITICAL SUBDIVISION OR SPECIAL DISTRICT, NO ELECTION REQUIRED IF NUMBER OF CANDIDATES FILING IS SAME AS NUMBER OF POSITIONS TO BE FILLED — EXCEPTIONS — RANDOM DRAWING FILING PROCEDURE FOLLOWED WHEN ELECTION IS REQUIRED — MUNICIPAL ELECTIONS, CERTAIN MUNICIPALITIES MAY SUBMIT REQUIREMENTS OF SUBSECTION 1 TO VOTERS. — 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district [except for] **including municipal elections in any city, town, or village with one thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than one thousand inhabitants**, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation **as defined in section 493.050** in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. **If no election is held for such office as provided in this section, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in section 493.050 in such political subdivision or district by the first of the month in which the election would have occurred, had it been contested.** Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

3. The governing body of any city, town, or village with one thousand or fewer inhabitants may submit to the voters at any available election, a question to adopt the provisions of subsection 1 of this section for municipal elections. If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, then the city, town, or village shall conduct nonpartisan municipal elections as provided in subsection 1 of this section for all nonpartisan elections remaining in the year in which the proposal was adopted and for the six calendar years immediately following such approval. At the end of such six-year period, each such city, town, or village shall be prohibited from conducting such elections in such a manner unless such a question is again adopted by the majority of qualified voters as provided in this subsection.

190.336. RECALL, BOARD MEMBERS SUBJECT TO—PROCEDURE. — 1. Each member of an emergency services board established pursuant to section 190.335 shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.

2. Proceedings may not be commenced against any member if, at the time of commencement, such member:

- (1) Has not held office during his or her current term for a period of more than one hundred eighty days;
- (2) Has one hundred eighty days or less remaining in his or her term; or
- (3) Has had a recall election determined in his or her favor within the current term of office.

3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:

- (1) The name of the board member sought to be recalled;
- (2) A statement, not exceeding two hundred words in length, of the reasons for the proposed recall; and
- (3) The names and business or residential addresses of at least one but not more than five proponents of the recall.

4. Within seven days after the filing of the notice of intention, the board member may file with the election authority a statement, not exceeding two hundred words in length, in answer to the statement of the proponents. If an answer is filed, the board member shall also serve a copy of it, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely to be used for the information of the voters. No insufficiency in form or substance of such statements shall affect the validity of the election proceedings.

5. Before any signature may be affixed to a recall petition, the petition is required to bear all of the following:

- (1) A request that an election be called to elect a successor to the board member;
- (2) A copy of the notice of intention, including the statement of grounds for recall;
- (3) The answer of the board member sought to be recalled, if any exists. If the board member has not answered, the petition shall so state; and
- (4) A place for each signer to affix his or her signature, printed name, and residential address, including any address in a city, town, village, or unincorporated community.

6. Each section of the petition, when submitted to the election authority, shall have attached to it an affidavit signed by the person circulating such section, setting forth all of the following:

- (1) The printed name of the affiant;
 - (2) The residential address of the affiant;
 - (3) That the affiant circulated that section and saw the appended signatures be written;
 - (4) That according to the best information and belief of the affiant, each signature is the genuine signature of the person whose name it purports to be;
 - (5) That the affiant is a registered voter of the election district of the board member sought to be recalled; and
 - (6) The dates between which all the signatures to the petition were obtained.
7. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.
8. The number of qualified signatures required in order to recall a board member shall be equal in number to at least twenty-five percent of the number of voters who voted in the most recent gubernatorial election in such election district.
9. Within twenty days from the filing of the recall petition the election authority shall determine whether the petition was signed by the required number of qualified signatures. The election authority shall file with the petition a certificate showing the results of the examination. The election authority shall give the proponents a copy of the certificate upon their request.
10. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certification by filing additional petition sections containing all of the information required by this section. Within ten days after the supplemental copies are filed, the election authority shall file with them a certificate stating whether or not the petition as supplemented is sufficient.
11. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.
12. If the election authority finds the signatures on the petition, together with the supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to the sufficiency of the petition to the emergency services board prior to its next meeting. The certificate shall contain:
- (1) The name of the member whose recall is sought;
 - (2) The number of signatures required by law;
 - (3) The total number of signatures on the petition; and
 - (4) The number of valid signatures on the petition.
13. Following the emergency services board's receipt of the certificate, the election authority shall order an election to be held on one of the election days specified in section 115.123. The election shall be held not less than forty-five days but not more than one hundred twenty days from the date the emergency services board receives the petition. Nominations for board membership openings under this section shall be made by filing a statement of candidacy with the election authority.
14. At any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation. If his or her resignation is offered, the recall question shall be removed from the ballot and the office declared vacant. The member who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.
15. The provisions of chapter 115 governing the conduct of elections shall apply, where appropriate, to recall elections held under this section. The costs of the election shall be paid as provided in chapter 115.

Vetoed July 2, 2014
Overridden September 10, 2014

SB 656 [CCS HCS SB 656]

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

Modifies the live fire exercise and testing requirements for a concealed carry permit

AN ACT to repeal sections 21.750, 84.340, 571.030, 571.101, 571.107, 571.111, 571.117, 575.153, 590.010, and 590.205, RSMo, and to enact in lieu thereof sixteen new sections relating to firearms, with penalty provisions.

SECTION

- A. Enacting clause.
- 21.750. Firearms legislation preemption by general assembly, exceptions — limitation on civil recovery against firearms or ammunitions manufacturers, when, exception.
- 84.340. Board of police — power to regulate private detectives (St. Louis).
- 160.665. School protection officers, teachers or administrators may be designated as — authorized to carry concealed firearms — requirements — public hearing to be held, when.
- 571.012. Health care professionals not required to disclose patient firearm information, when.
- 571.030. Unlawful use of weapons — exceptions — penalties.
- 571.101. Concealed carry permits, application requirements — approval procedures — issuance, when — information on permit — fees.
- 571.107. Permit does not authorize concealed firearms, where — penalty for violation.
- 571.111. Firearms training requirements — safety instructor requirements — penalty for violations.
- 571.117. Revocation procedure for ineligible permit holders — sheriff's immunity from liability, when.
- 571.510. Housing authorities not permitted to prohibit lessees from possessing firearms — definitions — immunity from liability, when.
- 575.153. Disarming a peace officer or correctional officer — penalty.
- 590.010. Definitions.
- 590.200. School protection officers, POST commission duties — minimum training requirements.
- 590.205. School protection officer training, POST commission to establish minimum standards — list of approved instructors, centers, and programs — background checks — certification.
- 590.207. Firearm out of control of school protection officer, penalty.
- 590.750. Department to have sole authority to regulate and license advisors — acting without a license, penalty — rulemaking authority.

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

SECTION A. ENACTING CLAUSE.— Sections 21.750, 84.340, 571.030, 571.101, 571.107, 571.111, 571.117, 575.153, 590.010, and 590.205, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 21.750, 84.340, 160.665, 571.012, 571.030, 571.101, 571.107, 571.111, 571.117, 571.510, 575.153, 590.010, 590.200, 590.205, 590.207, and 590.750, to read as follows:

21.750. FIREARMS LEGISLATION PREEMPTION BY GENERAL ASSEMBLY, EXCEPTIONS — LIMITATION ON CIVIL RECOVERY AGAINST FIREARMS OR AMMUNITIONS MANUFACTURERS, WHEN, EXCEPTION. — 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. **(1) Except as provided in subdivision (2) of this subsection,** nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any

of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243. **No ordinance shall be construed to preclude the use of a firearm in the defense of person or property, subject to the provisions of chapter 563.**

(2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance, the open carrying of firearms shall not be prohibited in accordance with the following:

(a) Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

(b) Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

(c) In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and

(d) Any person who violates this subdivision shall be subject to the penalty provided in section 571.121.

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.

84.340. BOARD OF POLICE — POWER TO REGULATE PRIVATE DETECTIVES (ST. LOUIS). — **Except as provided under section 590.750,** the police commissioner of the said cities shall have power to regulate and license all private watchmen, private detectives and private policemen, serving or acting as such in said cities, and no person shall act as such private watchman, private detective or private policeman in said cities without first having obtained the written license of the president or acting president of said police commissioners of the said cities, under pain of being guilty of a misdemeanor.

160.665. SCHOOL PROTECTION OFFICERS, TEACHERS OR ADMINISTRATORS MAY BE DESIGNATED AS — AUTHORIZED TO CARRY CONCEALED FIREARMS — REQUIREMENTS — PUBLIC HEARING TO BE HELD, WHEN. — 1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.

2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms or a self-defense spray device in any school in the district. A self-defense spray device shall mean any device that is capable of carrying, and that ejects, releases, or emits, a nonlethal solution capable of incapacitating a violent threat. The school protection officer shall not be permitted to allow any firearm or device out of his or her personal control while that firearm or device is on school property. Any school protection officer who violates this subsection may be removed immediately from the classroom and subject to employment termination proceedings.

3. A school protection officer has the same authority to detain or use force against any person on school property as provided to any other person under chapter 563.

4. Upon detention of a person under subsection 3 of this section, the school protection officer shall immediately notify a school administrator and a school resource officer, if such officer is present at the school. If the person detained is a student then the parents or guardians of the student shall also be immediately notified by a school administrator.

5. Any person detained by a school protection officer shall be turned over to a school administrator or law enforcement officer as soon as practically possible and shall not be detained by a school protection officer for more than one hour.

6. Any teacher or administrator of an elementary or secondary school who seeks to be designated as a school protection officer shall request such designation in writing, and submit it to the superintendent of the school district which employs him or her as a teacher or administrator. Along with this request, any teacher or administrator seeking to carry a concealed firearm on school property shall also submit proof that he or she has a valid concealed carry endorsement or permit, and all teachers and administrators seeking the designation of school protection officer shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

7. No school district may designate a teacher or administrator as a school protection officer unless such person has successfully completed a school protection officer training program, which has been approved by the director of the department of public safety. No school district shall allow a school protection officer to carry a concealed firearm on school property unless the school protection officer has a valid concealed carry endorsement or permit.

8. Any school district that designates a teacher or administrator as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation, which shall include the following:

- (1) The full name, date of birth, and address of the officer;
- (2) The name of the school district; and
- (3) The date such person was designated as a school protection officer.

Notwithstanding any other provisions of law to the contrary, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a request for public records made under chapter 610.

9. A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer in writing of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety in writing of the revocation of the designation of such person as a school protection officer. A person who has had the designation of school protection officer revoked has no right to appeal the revocation decision.

10. The director of the department of public safety shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies.

11. Before a school district may designate a teacher or administrator as a school protection officer, the school board shall hold a public hearing on whether to allow such designation. Notice of the hearing shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation within the city or county in which the school district is located. The board may determine at a closed meeting, as "closed meeting" is defined under section 610.010, whether to authorize the designated school protection officer to carry a concealed firearm or a self-defense spray device.

571.012. HEALTH CARE PROFESSIONALS NOT REQUIRED TO DISCLOSE PATIENT FIREARM INFORMATION, WHEN. — 1. No health care professional licensed in this state, nor anyone under his or her supervision, shall be required by law to:

- (1) Inquire as to whether a patient owns or has access to a firearm;
- (2) Document or maintain in a patient's medical records whether such patient owns or has access to a firearm; or
- (3) Notify any governmental entity of the identity of a patient based solely on the patient's status as an owner of, or the patient's access to, a firearm.

2. No health care professional licensed in this state, nor anyone under his or her supervision, nor any person or entity that has possession or control of medical records, may disclose information gathered in a doctor/patient relationship about the status of a patient as an owner of a firearm, unless by order of a court of appropriate jurisdiction, in response to a threat to the health or safety of that patient or another person, as part of a referral to a mental health professional, or with the patient's express consent on a separate document dealing solely with firearm ownership. The separate document shall not be filled out as a matter of routine, but only when, in the judgment of the health care professional, it is medically indicated or necessitated.

3. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring about and documenting whether a patient owns or has access to a firearm if such inquiry or documentation is necessitated or medically indicated by the health care professional's judgment and such inquiry or documentation does not violate any other state or federal law.

4. No health care professional licensed in this state shall use an electronic medical record program that requires, in order to complete and save a medical record, entry of data regarding whether a patient owns, has access to, or lives in a home containing a firearm.

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 195.202.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the [board of police commissioners under section 84.340] **department of public safety under section 590.750;**

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney [or any], circuit attorney or assistant circuit attorney, **or any person appointed by a court to be a special prosecutor** who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement **issued prior to August 28, 2013, or a valid concealed carry permit**, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.101. CONCEALED CARRY PERMITS, APPLICATION REQUIREMENTS — APPROVAL PROCEDURES — ISSUANCE, WHEN — INFORMATION ON PERMIT — FEES. — 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the

requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid [for a period of five years] from the date of issuance or renewal **until five years from the last day of the month in which the permit was issued or renewed.** The concealed carry permit is valid throughout this state. **Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d) relating to the transfer, sale, or delivery of firearms from licensed dealers.** A concealed carry endorsement issued prior to August 28, 2013, shall continue [for a period of three years] from the date of issuance or renewal **until three years from the last day of the month in which the endorsement was issued or renewed** to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(6) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(7) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(9) Submits a completed application for a permit as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect;

(12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall request a criminal background check, including an inquiry of the National Instant Criminal Background Check System, through the appropriate law enforcement agency within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background checks, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the background checks prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any background check that identifies a disqualifying record, and shall notify the Missouri uniform law enforcement system. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and

inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee [and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section].

8. The concealed carry permit shall specify only the following information:

- (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;
- (2) The signature of the sheriff issuing the permit;
- (3) The date of issuance; and
- (4) The expiration date.

The permit shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a Missouri uniform law enforcement system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit. Beginning August 28, 2013, the department of revenue shall not keep any record of an application for a concealed carry permit. Any information collected by the department of revenue related to an application for a concealed carry endorsement prior to August 28, 2013, shall be given to the members of MoSMART, created under section 650.350, for the dissemination of the information to the sheriff of any county or city not within a county in which the applicant resides to keep in accordance with the provisions of this subsection.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the Missouri uniform law enforcement system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained under this subsection shall not be batch processed for query and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data

shall be performed or distributed to any federal, state, or private entity, except to MoSMART as provided under subsection 9 of this section. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.107. PERMIT DOES NOT AUTHORIZE CONCEALED FIREARMS, WHERE — PENALTY FOR VIOLATION. — 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to

subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, **unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required.** Possession of a firearm in

a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of

charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

571.111. FIREARMS TRAINING REQUIREMENTS—SAFETY INSTRUCTOR REQUIREMENTS — PENALTY FOR VIOLATIONS. — 1. An applicant for a concealed carry permit shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry permit:

- (1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or
- (2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or
- (4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or
- (5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or
- (6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter 563; or
- (7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

- (1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;
 - (2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload **either** a revolver [and] **or** a semiautomatic pistol and demonstrated his or her marksmanship with [both] **either firearm**;
 - (3) The basic principles of marksmanship;
 - (4) Care and cleaning of concealable firearms;
 - (5) Safe storage of firearms at home;
 - (6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence;
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- (7) The laws relating to firearms as prescribed in this chapter;
 - (8) The laws relating to the justifiable use of force as prescribed in chapter 563;
 - (9) A live firing exercise of sufficient duration for each applicant to fire [both] **either** a revolver [and] **or** a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from [each] **the** handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;
 - (10) A live fire test administered to the applicant while the instructor was present of twenty rounds from [each handgun] **either a revolver or a semiautomatic pistol** from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.
3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry permit who:
- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer;
- or
- (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
 - (3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds[, with both handguns].
4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry permit shall:
- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
 - (2) Maintain all course records on students for a period of no less than four years from course completion date; and
 - (3) Not have more than forty students **per certified instructor** in the classroom portion of the course or more than five students per range officer engaged in range firing.
5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if the instructor:
- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
 - (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
 - (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or
 - (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
 - (5) Is a certified police officer firearms safety instructor.
6. Any firearms safety instructor qualified under subsection 5 of this section may submit a copy of a training instructor certificate, course outline bearing notarized signature of instructor, and recent photograph of [his or herself] **the instructor** to the sheriff of the county in which [he or she] **the instructor** resides. Each sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and shall retain a database of qualified instructors. This information shall be a closed record except for access by any sheriff.
7. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates.
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571.117. REVOCATION PROCEDURE FOR INELIGIBLE PERMIT HOLDERS — SHERIFF'S IMMUNITY FROM LIABILITY, WHEN. — 1. Any person who has knowledge that another person, who was issued a concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry permit or endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri
....., PLAINTIFF

)
vs.) Case Number

)
....., DEFENDANT,
Carry Permit or Endorsement Holder
....., DEFENDANT,
Sheriff of Issuance

PETITION FOR REVOCATION OF A CONCEALED CARRY PERMIT OR
CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, and that the defendant's concealed carry permit or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a permit or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such permit or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- Defendant is not a citizen or permanent resident of the United States.
- Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year

- under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
 - Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
 - Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
 - Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
 - Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 5 of section 571.101, and the results of the background check are still pending.)
 - Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.
 - Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. 922(g) or **section 571.070** because (specify reason):

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, at the time of issuance or renewal or is no longer eligible for a concealed carry permit or the concealed carry endorsement, the court shall issue an appropriate order to cause the revocation of the concealed carry permit and, if applicable, the concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against a permit or endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the permit or endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a concealed carry permit or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August 28, 2013, so long as the sheriff acted in good faith.

571.510. HOUSING AUTHORITIES NOT PERMITTED TO PROHIBIT LESSEES FROM POSSESSING FIREARMS — DEFINITIONS — IMMUNITY FROM LIABILITY, WHEN, — 1. For purposes of this section, the terms "authority" or "housing authority" shall mean any of the corporations created pursuant to the authority of section 99.040 and any entity or agent associated with such authority that administers or uses public moneys provided by the United States Department of Housing and Urban Development to fund very low, lower, and moderate income public rental housing assistance. For purposes of this section, the term "lessee" means a lessee of residential premises.

2. Notwithstanding any provision of law to the contrary, no housing authority, authority, or lessor receiving public funds from a housing authority or authority shall prohibit a lessee or a member of the lessee's immediate household or guest from personally possessing firearms within an individual residence, common areas, or from carrying or transporting firearms to and from such residence in a manner allowed by law. Any provision of a lease, policy, rule, or agreement in violation of this section shall be void and unenforceable.

3. No housing authority, authority, or lessor under this section shall be liable in tort or any other civil action for damages caused by a lessee's possession or use of a firearm on property owned by the lessor, unless a housing authority, authority, or lessor or an officer, agent, or employee of such housing authority, authority, or lessor:

- (1) Violated section 571.060 or otherwise caused the lessee, the household member, or guest to engage in any unsafe or illegal actions with a firearm; or
- (2) Engaged in acts or failures to act which were manifestly outside the scope of employment, duties, or responsibilities or were committed maliciously, in bad faith, or in a wanton and reckless manner.

575.153. DISARMING A PEACE OFFICER OR CORRECTIONAL OFFICER — PENALTY. —

1. A person commits the crime of disarming a peace officer, as defined in section 590.100, or a correctional officer if such person intentionally:

- (1) Removes a firearm [or other], deadly weapon, or less-lethal weapon, including any blunt impact, chemical, or conducted energy device, used in the performance of his or her official duties from the person of a peace officer or correctional officer while such officer is acting within the scope of his or her official duties; or
- (2) Deprives a peace officer or correctional officer of such officer's use of a firearm [or], deadly weapon, or any other equipment described in subdivision (1) of this subsection while the officer is acting within the scope of his or her official duties.

2. The provisions of this section shall not apply when:

- (1) The defendant does not know or could not reasonably have known that the person he or she disarmed was a peace officer or correctional officer; or
- (2) The peace officer or correctional officer was engaged in an incident involving felonious conduct by the peace officer or correctional officer at the time the defendant disarmed such officer.

3. Disarming a peace officer or correctional officer is a class C felony.

590.010. DEFINITIONS. — As used in this chapter, the following terms mean:

- (1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;

- (2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;
- (3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;
- (4) "POST commission", the peace officer standards and training commission;
- (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week;
- (6) "School protection officer", an elementary or secondary school teacher or administrator who has been designated as a school protection officer by a school district.**

590.200. SCHOOL PROTECTION OFFICERS, POST COMMISSION DUTIES — MINIMUM TRAINING REQUIREMENTS. — 1. The POST commission shall:

- (1) Establish minimum standards for the training of school protection officers;**
 - (2) Set the minimum number of hours of training required for a school protection officer; and**
 - (3) Set the curriculum for school protection officer training programs.**
- 2. At a minimum this training shall include:**
- (1) Instruction specific to the prevention of incidents of violence in schools;**
 - (2) The handling of emergency or violent crisis situations in school settings;**
 - (3) A review of state criminal law;**
 - (4) Training involving the use of defensive force;**
 - (5) Training involving the use of deadly force; and**
 - (6) Instruction in the proper use of self-defense spray devices.**

590.205. SCHOOL PROTECTION OFFICER TRAINING, POST COMMISSION TO ESTABLISH MINIMUM STANDARDS — LIST OF APPROVED INSTRUCTORS, CENTERS, AND PROGRAMS — BACKGROUND CHECKS — CERTIFICATION. — 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a department of public safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement **or permit**.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training

program that meets the requirements of this section and section 590.200 and [that] **indicate whether** the individual has a valid concealed carry endorsement **or permit**. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

590.207. FIREARM OUT OF CONTROL OF SCHOOL PROTECTION OFFICER, PENALTY. — Notwithstanding any other provision of law to the contrary, any person designated as a school protection officer under the provisions of section 160.665 who allows any such firearm out of his or her personal control while that firearm is on school property as provided under subsection 2 of section 160.665 shall be guilty of a class B misdemeanor and may be subject to employment termination proceedings within the school district.

590.750. DEPARTMENT TO HAVE SOLE AUTHORITY TO REGULATE AND LICENSE OFFICERS — ACTING WITHOUT A LICENSE, PENALTY — RULEMAKING AUTHORITY. — **1.** The department of public safety shall have the sole authority to regulate and license all corporate security advisors. The authority and jurisdiction of a corporate security advisor shall be limited only by the geographical limits of the state, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government.

2. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor.

3. The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190.

4. Any corporate security advisor licensed as of February 1, 2014 shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked.

Vetoed July 14, 2014

Overridden September 10, 2014

SB 727 [HCS SB 727]

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

Modifies provisions relating to farmers' market and SNAP benefits

AN ACT to amend chapters 144 and 208, RSMo, by adding thereto three new sections relating to farmers' markets.

SECTION

A. Enacting clause.

144.527. Farmers' market, sales and use tax exemption for farm products sold.

208.018. Farmer's markets, SNAP participants, pilot program to purchase fresh food — requirements — sunset provision.

208.247. Food stamp eligibility, felony conviction not to make ineligible, when.

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

SECTION A. ENACTING CLAUSE. — Chapters 144 and 208, RSMo, are amended by adding thereto three new sections, to be known as sections 144.527, 208.018, and 208.247, to read as follows:

144.527. FARMERS' MARKET, SALES AND USE TAX EXEMPTION FOR FARM PRODUCTS SOLD. — 1. In addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, and section 238.235 all sales of farm products sold at a farmers' market.

2. For purposes of this section "farm products" shall mean any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese, and other dairy products, food products of "aquaculture", as defined in section 277.024, including fish, oysters, clams, mussels, and other molluscan shellfish taken from the waters of the state, products from any tree, vine, or plant and other flowers, or any of the products listed in this subsection that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

3. For purposes of this section "farmers' market" shall mean an individual farmer or a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for an individual farmer or a group of farmers to sell farm products directly to consumers, and where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

4. The provisions of this section do not apply to any person or entity with estimated total annual sales of twenty-five thousand dollars or more from participating in farmers' markets.

208.018. FARMER'S MARKETS, SNAP PARTICIPANTS, PILOT PROGRAM TO PURCHASE FRESH FOOD — REQUIREMENTS — SUNSET PROVISION. — 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term "farmers' market" shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central farmers' market vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay

the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.247. FOOD STAMP ELIGIBILITY, FELONY CONVICTION NOT TO MAKE INELIGIBLE, WHEN. — 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty or nolo contendere to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:

(1) Meets one of the following criteria:

(a) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health; or

(b) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity; or

(c) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse; or

(d) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment; and

(2) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole; and

(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense after release from custody or, if not committed to custody, such person does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense, within one year after the date of conviction. Such a plea or conviction within the first year after conviction shall immediately disqualify the person for the exemption; and

(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the participant.

2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant shall meet all other factors for program eligibility.

3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section including specifying criteria for determining active participation in and completion of a substance abuse treatment program.

4. The exemption under this section shall not apply to an individual who has pled guilty to or is found guilty of two subsequent felony offenses involving possession or use of a controlled substance after the date of the first controlled substance felony conviction.

Vetoed June 11, 2014
Overridden September 10, 2014

SB 731 [SCS SB 731]

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

Modifies provisions relating to nuisance ordinances and actions

AN ACT to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, and 82.1030, RSMo, and to enact in lieu thereof six new sections relating to property regulations in certain cities and counties.

SECTION

- A. Enacting clause.
- 82.1025. Nuisance action for deteriorated property (Jefferson, Platte, Franklin, and St. Louis counties, Springfield, St. Louis, Kansas City).
- 82.1027. Definitions.
- 82.1028. Applicability to St. Louis City and Kansas City.
- 82.1029. Abatement of a nuisance, neighborhood organization may seek injunctive relief, when, procedure.
- 82.1030. Statutes not to abrogate any equitable right or remedy — standing not granted, when.
1. Action prohibited if owner in good faith compliance.

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

SECTION A. ENACTING CLAUSE. — Sections 82.1025, 82.1027, 82.1028, 82.1029, and 82.1030, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 1, to read as follows:

82.1025. NUISANCE ACTION FOR DETERIORATED PROPERTY (JEFFERSON, PLATTE, FRANKLIN, AND ST. LOUIS COUNTIES, SPRINGFIELD, ST. LOUIS, KANSAS CITY). — 1. [In] **This section applies to a nuisance located within the boundaries of** any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in any city not within a county and in any city with at least three hundred fifty thousand inhabitants which is located in more than one county[.].

2. A parcel of property is a nuisance, if such property adversely affects the property values of a neighborhood **or the property value of any property within the neighborhood** because the owner of such property allows the property to be in a deteriorated condition, due to neglect **or failure to reasonably maintain**, violation of a county or municipal building code [or], standard, **or ordinance**, abandonment, failure to repair after a fire, flood or some other damage to the property or because the owner or resident of the property allows clutter on the property such as abandoned automobiles, appliances or similar objects. Any property owner who owns property within [a reasonable distance to] **one thousand two hundred feet of** a parcel of property which is alleged to be a nuisance may bring a nuisance action against the offending property owner for the amount of damage created by such [property] **nuisance** to the value of

the petitioner's property, **including diminution in value of the petitioner's property**, and court costs, provided that the owner of the property which is alleged to be a nuisance has received notification of the alleged nuisance and has had a reasonable opportunity, not to exceed forty-five days, to correct the alleged nuisance. This section is not intended to abrogate, and shall not be construed as abrogating, any remedy available under the common law of private nuisance.

[2. A nuisance] **3. An action for injunctive relief to abate a nuisance under this section may be brought by:**

(1) Anyone who owns property within one thousand two hundred feet to a property which is alleged to be a nuisance; or

(2) By a neighborhood organization, as defined in subdivision (2) of section [32.105] 82.1027, [representing] on behalf of any person or persons who own property within the boundaries of the neighborhood or neighborhoods described in the articles of incorporation or bylaws of the neighborhood organization and who could maintain a nuisance action under this section or under the common law of private nuisance, or on its own behalf with respect to a nuisance on property anywhere within the boundaries of the neighborhood or neighborhoods.

4. An action shall not be brought under this section until sixty days after the party who brings the action has sent written notice of intent to bring an action under this section, by certified mail, return receipt requested, postage prepaid, to:

(1) The tenant, if any, or to "occupant" if the identity of the tenant cannot be reasonably ascertained, at the property's address; and

(2) The property owner of record at the last known address of the property owner on file with the county or city, or, if the property owner is a corporation or other type of limited liability company, to the property owner's registered agent at the agent's address of record; that a nuisance exists and that legal action may be taken against the owner of the property. If the notice sent by certified mail is returned unclaimed or refused, designated by the post office to be undeliverable, or signed for by a person other than the addressee, then adequate and sufficient notice may be given to the tenant, if any, and the property owner of record by sending a copy of the notice by regular mail to the address of the property owner or registered agent and posting a copy of the notice on the property where the nuisance allegedly is occurring. A sworn affidavit by the person who mailed or posted the notice describing the date and manner that notice was given shall be prima facie evidence of the giving of such notice. The notice shall specify:

(a) The act or condition that constitutes the nuisance;

(b) The date the nuisance was first discovered;

(c) The address of the property and location on the property where the act or condition that constitutes the nuisance is allegedly occurring or exists; and

(d) The relief sought in the action.

5. When a neighborhood organization files a suit under this section, an officer of the neighborhood organization or its counsel shall certify to the court:

(1) From personal knowledge, that the neighborhood organization has taken the required steps to satisfy the notice requirements under this section; and

(2) Based on reasonable inquiry, that each condition precedent to the filing of the action under this section has been met.

6. A neighborhood organization may not bring an action under this section if, at the time of filing suit, the neighborhood organization or any of its directors own real estate, or have an interest in a trust or a corporation or other limited liability company that owns real estate, in the city or county in which the nuisance is located with respect to which real property taxes are delinquent or a notice of violation of a city code or ordinance has been issued and served and is outstanding.

7. This section is not intended to abrogate, and shall not be construed as abrogating, any remedy available under the common law of private nuisance.

82.1027. DEFINITIONS. — As used in sections 82.1027 to [82.1029] **82.1030**, the following terms mean:

(1) "[Local] Code **or ordinance** violation", a violation under the provisions of a [local] **municipal** code [of general ordinances] **or ordinance** of any home rule city with more than four hundred thousand inhabitants and located in more than one county, **or any city not within a county**, which regulates fire prevention, animal control, noise control, property maintenance, building construction, health [and], **safety, neighborhood detriment**, sanitation, [and] **or nuisances**;

(2) "Neighborhood organization", [an organization defined in section 32.105] **a Missouri not-for-profit corporation whose articles of incorporation or bylaws specify that one of the purposes for which the corporation is organized is the preservation and protection of residential and community property values in a neighborhood or neighborhoods with geographic boundaries that conform to the boundaries of not more than two adjoining neighborhoods recognized by the planning division of the city or county in which the neighborhood or neighborhoods are located provided that the corporation's articles of incorporation or bylaws provide that:**

(a) **The corporation has members;**

(b) **Membership shall be open to all persons who own residential real estate or who reside in the neighborhood or neighborhoods described in the corporation's articles of incorporation or bylaws subject to reasonable restrictions on membership to protect the integrity of the organization; however, membership may not be conditioned upon payment of monetary consideration in excess of twenty-five dollars per year; and**

(c) **Only members who own residential real estate or who reside in the neighborhood or neighborhoods described in the corporation's articles of incorporation or bylaws may elect directors or serve as a director;**

(3) "Nuisance", within the boundaries of the [community represented by] **neighborhood or neighborhoods described in the articles of incorporation or bylaws of the neighborhood organization, an act or condition knowingly created, performed, [or] maintained, or permitted to exist on private property that constitutes a [local] code or ordinance violation and that:**

(a) **significantly affects the other residents of the neighborhood; and:**

[b] (a) **Diminishes the value of the neighboring property; [and] or**

[c] (b) **Is injurious to the public health, safety, security, or welfare of neighboring residents or [obstructs] businesses; or**

(c) **Impairs the reasonable use or peaceful enjoyment of other property in the neighborhood.**

82.1028. APPLICABILITY TO ST. LOUIS CITY AND KANSAS CITY. — Sections 82.1027 to [82.1029] **82.1030** apply to a nuisance located within the boundaries of **any city not within a county and** any home rule city with more than four hundred thousand inhabitants and located in more than one county.

82.1029. ABATEMENT OF A NUISANCE, NEIGHBORHOOD ORGANIZATION MAY SEEK INJUNCTIVE RELIEF, WHEN, PROCEDURE. — 1. A neighborhood organization [representing], **on behalf of a person or persons [aggrieved by a local code violation] who own real estate or reside within one thousand two hundred feet of a property on which there is a condition or activity constituting a code or ordinance violation in the neighborhood or neighborhoods described in the articles of incorporation or the bylaws of the neighborhood organization, or on its own behalf with respect to a code or ordinance violation on property anywhere within the boundaries of the neighborhood or neighborhoods,** may seek injunctive and other equitable relief in the circuit court for abatement of a nuisance upon showing:

(1) The notice requirements of this [subsection] **section** have been satisfied; and

(2) The nuisance exists and has not been abated.

2. An action under this section shall not be brought **until**:

(1) [Until] Sixty days after the neighborhood organization sends **written** notice [of the violation and] **by certified mail, return receipt requested, postage prepaid, to the appropriate municipal code enforcement agency** of the neighborhood organization's intent to bring an action under this section, [by certified mail, return receipt requested, to the appropriate municipal code enforcement agency] **together with a copy of the notice the neighborhood organization sent or attempted to send to the property owner in compliance with subdivision (2) of subsection 2 of this section; and**

(2) [If the appropriate municipal code enforcement agency has filed an action for equitable relief from the nuisance;

(3) Until] Sixty days after the neighborhood organization sends notice by first class prepaid postage certified mail, **return receipt requested, to:**

(a) The tenant, if any, **or to "occupant" if the identity of the tenant cannot be reasonably ascertained, at the property's address; and**

(b) The property owner of record **at the last known address of the property owner on file with the county or city, or, if the property owner is a corporation or other type of limited liability company, to the property owner's registered agent at the registered agent's address of record;**

that a nuisance exists and that legal action may be taken if the nuisance is not abated. If the notice sent by certified mail is returned unclaimed or refused, designated by the post office to be undeliverable, or signed for by a person other than the addressee, then adequate and sufficient notice may be given to the tenant, if any, and the property owner of record by sending a copy of the notice by regular mail **to the address of the property owner or registered agent** and posting a copy of notice on the property where the nuisance allegedly is occurring.

3. A sworn affidavit by the person who mailed or posted the notice describing the date and manner that notice was given shall be prima facie evidence of the giving of such notice.

4. The notice required by this section shall specify:

(a) The [nature of the alleged] **act or condition that constitutes the nuisance;**

(b) The date [and time of day] the nuisance was first discovered;

(c) The **address of the property and location on the property where the act or condition that constitutes the nuisance is allegedly occurring or exists; and**

(d) The relief sought in the action.

[3.] **5. In filing a suit under this section, an officer of the neighborhood organization or its counsel shall certify to the court:**

(1) **From personal knowledge**, that the neighborhood organization has taken the required steps to satisfy the notice requirements under this [subsection] **section; and**

(2) **Based on reasonable inquiry**, that each condition precedent to the filing of the action under this section has been met.

[4.] **6. An action [shall] may not be brought [against an owner of residential rental property unless, prior to giving notice under this section, a notice of violation relating to the nuisance first has been issued by an appropriate municipal code enforcement agency and remains outstanding after a period of forty-five days] under this section based on an alleged violation of a particular code provision or ordinance if there is then pending against the property or the owner of the property a notice of violation with respect to such code provision or ordinance issued by an appropriate municipal code enforcement agency unless such notice of violation has been pending for more than forty-five days and the condition or activity that gave rise to the violation has not been abated. This subsection shall not preclude an action under this section where the appropriate municipal code enforcement agency has declined to issue a notice of violation against the property or the property owner.**

7. A neighborhood organization may not bring an action under this section if, at the time of filing suit, the neighborhood organization or any of its directors own real estate, or have an interest in a trust or a corporation or other limited liability company that owns real estate, in the city or county in which the nuisance is located with respect to which real property taxes are delinquent or a notice of violation of a city code or ordinance has been issued and served and is outstanding.

[5. (1) If a violation notice issued by an appropriate municipal code enforcement agency is an essential element of the municipal enforcement action, a copy of the notice signed by an official of the appropriate municipal code enforcement agency shall be prima facie evidence of the facts contained in the notice.

(2) A notice of abatement issued by the appropriate municipal code enforcement agency in regard to the violation notice shall be prima facie evidence that the plaintiff is not entitled to the relief requested.]

8. A copy of the notice of citation issued by the city that shows the date the citation was issued shall be prima facie evidence of whether and for how long a citation has been pending against the property or the property owner.

[6.] **9.** A proceeding under this section shall:

- (1) Be heard at the earliest practicable date; and
- (2) Be expedited in every way.

82.1030. STATUTES NOT TO ABROGATE ANY EQUITABLE RIGHT OR REMEDY — STANDING NOT GRANTED, WHEN. — 1. Subject to subsection 2 of this section, sections 82.1027 to 82.1029 shall not be construed as to abrogate any equitable or legal right or remedy otherwise available under the law to abate a nuisance.

2. Sections 82.1027 to 82.1029 shall not be construed as to grant standing for an action[:

- (1)] challenging any zoning application or approval];
- (2) In which the alleged nuisance consists of an interior physical defect of a property; or
- (3) Involving any violation of municipal alcoholic beverages law].

SECTION 1. ACTION PROHIBITED IF OWNER IN GOOD FAITH COMPLIANCE. — **No action shall be brought under section 82.1025 or sections 82.1027 to 82.1030 if the owner of the property that is the subject of the action is in good faith compliance with any order issued by the department of natural resources, the United States Environmental Protection Agency, or the office of attorney general.**

Vetoed July 7, 2014

Overridden September 10, 2014

SB 829 [SCS SB 829]

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

Modifies provisions relating to burden of proof in tax liability cases

AN ACT to repeal section 136.300, RSMo, and to enact in lieu thereof one new section relating to tax liability disputes.

SECTION

A. Enacting clause.

136.300. Burden of proof in proceedings or appeal on director of revenue — when, exceptions.

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

SECTION A. ENACTING CLAUSE. — Section 136.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 136.300, to read as follows:

136.300. BURDEN OF PROOF IN PROCEEDINGS OR APPEAL ON DIRECTOR OF REVENUE — WHEN, EXCEPTIONS. — 1. With respect to any issue relevant to ascertaining the tax liability of a taxpayer all laws of the state imposing a tax shall be strictly construed against the taxing authority in favor of the taxpayer. The director of revenue shall have the burden of proof with respect to any factual issue relevant to ascertaining the liability of a taxpayer only if:

(1) The taxpayer has produced evidence that establishes that there is a reasonable dispute with respect to the issue; and

(2) The taxpayer has adequate records of its transactions and provides the department of revenue reasonable access to these records; and

(3) In the case of a partnership, corporation or trust, the net worth of the taxpayer does not exceed seven million dollars and the taxpayer does not have more than five hundred employees at the time the final decision of the director of the department of revenue is issued].

2. This section shall not apply to any issue with respect to the applicability of any tax [exemption or] credit.

Vetoed June 11, 2014

Overridden September 10, 2014

SB 841 [SS SCS SB 841]

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

Modifies provisions relating to alternative nicotine or vapor products

AN ACT to repeal sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof seven new sections relating to alternative nicotine or vapor products, with penalty provisions.

SECTION

- A. Enacting clause.
- 407.925. Definitions.
- 407.926. No tobacco sales to minors — penalties — alternative nicotine products and vapor products, sale to minors prohibited.
- 407.927. Required sign stating violation of state law to sell tobacco, alternative nicotine products, or vapor products to minors under age 18 — display of sign required on displays and vending machines.
- 407.929. Proof of age required, when — defense to action for violation is reasonable reliance on proof — liability.
- 407.931. Unlawful to sell or distribute tobacco products, alternative nicotine products, or vapor products to minors — vending machine requirements — what persons are liable — owners exempt, when — appeal to administrative hearing commission, when.
- 407.933. Minors employed by division of liquor control may purchase tobacco products, alternative nicotine products, or vapor products for enforcement purposes — misrepresentation of age, penalty.
- 407.934. Sales tax license required to sell tobacco products, alternative nicotine products, or vapor products — division of liquor control to have inspection authority — limitations on use of minors for enforcement purposes.

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

SECTION A. ENACTING CLAUSE. — Sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, are repealed and seven new sections enacted in lieu

thereof, to be known as sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, to read as follows:

407.925. DEFINITIONS. — As used in sections 407.925 to [407.932] **407.934**, the following terms mean:

(1) **"Alternative nicotine product"**, any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. **Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;**

(2) **"Center of youth activities"**, any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes;

[2)] (3) **"Distribute"**, a conveyance to the public by sale, barter, gift or sample;

[3)] (4) **"Minor"**, a person under the age of eighteen;

[4)] (5) **"Municipality"**, the city, village or town within which tobacco products, **alternative nicotine products or vapor products** are sold or distributed or, in the case of tobacco products, **alternative nicotine products or vapor products** that are not sold or distributed within a city, village or town, the county in which they are sold or distributed;

[5)] (6) **"Person"**, an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by law as the subject of rights and duties;

[6)] (7) **"Proof of age"**, a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;

[7)] (8) **"Rolling papers"**, paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette;

[8)] (9) **"Sample"**, a tobacco product, **alternative nicotine product, or vapor product** distributed to members of the general public at no cost or at nominal cost for product promotional purposes;

[9)] (10) **"Sampling"**, the distribution to members of the general public of tobacco product, **alternative nicotine product or vapor product** samples;

[10)] (11) **"Tobacco products"**, any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco **but does not include alternative nicotine products, or vapor products;**

[11)] (12) **"Vapor product"**, any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. **Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product;**

(13) **"Vending machine"**, any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, **alternative nicotine products, or vapor products.**

407.926. NO TOBACCO SALES TO MINORS — PENALTIES — ALTERNATIVE NICOTINE PRODUCTS AND VAPOR PRODUCTS, SALE TO MINORS PROHIBITED. — 1. Any person or entity who sells tobacco products, **alternative nicotine products, or vapor products** shall deny the sale of such tobacco products to any person who is less than eighteen years of age.

2. Any person or entity who sells or distributes tobacco products, **alternative nicotine products, or vapor products** by mail or through the internet in this state in violation of subsection 1 of this section shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.

3. **Alternative nicotine products and vapor products shall only be sold to persons eighteen years of age or older, shall be subject to local and state sales tax, but shall not be otherwise taxed or regulated as tobacco products.**

407.927. REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO MINORS UNDER AGE 18 — DISPLAY OF SIGN REQUIRED ON DISPLAYS AND VENDING MACHINES. — The owner of an establishment at which tobacco products, **alternative nicotine products, vapor products,** or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, **alternative nicotine products, or vapor products** are sold and on every vending machine where tobacco products are purchased a sign that shall:

(1) Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes [or], other tobacco products, **alternative nicotine products, or vapor products** to be sold or otherwise provided to any person under the age of eighteen or for such person to purchase, attempt to purchase or possess cigarettes [or], other tobacco products, **alternative nicotine products or vapor products.**"; and

(2) Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18".

407.929. PROOF OF AGE REQUIRED, WHEN — DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF — LIABILITY. — 1. A person or entity selling tobacco products, **alternative nicotine products, or vapor products** or rolling papers or distributing tobacco product, **alternative nicotine product, or vapor product** samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.

2. The operator's or chauffeur's license issued pursuant to the provisions of section 302.177, or the operator's or chauffeur's license issued pursuant to the laws of any state or possession of the United States to residents of those states or possessions, or an identification card as provided for in section 302.181, or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the division of liquor control or any owner or employee of an establishment that sells tobacco, **alternative nicotine products, or vapor products,** for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen years of age when such person desires to purchase or possess tobacco products, **alternative nicotine products, or vapor products** procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

4. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of subsections 1, 2 and 3 of section 407.931. No person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on any single day.

407.931. UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO MINORS — VENDING MACHINE REQUIREMENTS — WHAT PERSONS ARE LIABLE — OWNERS EXEMPT, WHEN — APPEAL TO ADMINISTRATIVE HEARING COMMISSION, WHEN. — 1. It shall be unlawful for any person to sell, provide or distribute tobacco products, **alternative nicotine products, or vapor products** to persons under eighteen years of age.

2. [By January 1, 2002,] All vending machines that dispense tobacco products, **alternative nicotine products, or vapor products** shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen years of age from purchasing any tobacco product, **alternative nicotine product, or vapor product** from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this subsection shall be subject to the penalties contained in subsection 5 of this section. A determination of noncompliance may be made by a local law enforcement agency or the division of liquor control. Nothing in this section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

3. No person or entity shall sell, provide or distribute any tobacco product, **alternative nicotine product, or vapor product** or rolling papers to any minor, or sell any individual cigarettes to any person in this state. This subsection shall not apply to the distribution by family members on property that is not open to the public.

4. Any person including, but not limited to, a sales clerk, owner or operator who violates subsection 1, 2 or 3 of this section or section 407.927 shall be penalized as follows:

- (1) For the first offense, twenty-five dollars;
- (2) For the second offense, one hundred dollars;
- (3) For a third and subsequent offense, two hundred fifty dollars.

5. Any owner of the establishment where tobacco products, **alternative nicotine products, or vapor products** are available for sale who violates subsection 3 of this section, in addition to the penalties established in subsection 4 of this section, shall be penalized in the following manner:

(1) For the first violation per location within two years, a reprimand shall be issued by the division of liquor control;

(2) For the second violation per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products, **alternative nicotine products, or vapor products** for a twenty-four-hour period;

(3) For the third violation per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products, **alternative nicotine products, or vapor products** for a forty-eight-hour period;

(4) For the fourth and any subsequent violations per location within two years, the division of liquor control shall issue a citation prohibiting the outlet from selling tobacco products for a five-day period.

6. Any owner of the establishment where tobacco products are available for sale who violates subsection 3 of this section shall not be penalized pursuant to this section if such person documents the following:

(1) An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the state and federal regulations regarding [tobacco] sales of tobacco products, **alternative nicotine products, or vapor products** to minors. Such

training program must be attended by all employees who sell tobacco products, **alternative nicotine products, or vapor products** to the general public;

(2) A signed statement by the employee stating that the employee has been trained and understands the state laws and federal regulations regarding the sale of tobacco **products, alternative nicotine products, or vapor products** to minors; and

(3) Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety minutes in length, established by the division of liquor control.

7. The exemption in subsection 6 of this section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, **alternative nicotine products, or vapor products** are available for sale if:

(1) Four or more violations per location of subsection 3 of this section occur within a one-year period; or

(2) Such person knowingly violates or knowingly allows his or her employees to violate subsection 3 of this section.

8. If a sale is made by an employee of the owner of an establishment in violation of sections 407.925 to 407.934, the employee shall be guilty of an offense established in subsections 1, 2 and 3 of this section. If a vending machine is in violation of section 407.927, the owner of the establishment shall be guilty of an offense established in subsections 3 and 4 of this section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in subsections 3 and 4 of this section.

9. A person cited for selling, providing or distributing any tobacco product, **alternative nicotine product, or vapor product** to any individual less than eighteen years of age in violation of subsection 1, 2 or 3 of this section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen years of age or older.

10. Any person adversely affected by this section may file an appeal with the administrative hearing commission which shall be adjudicated pursuant to the procedures established in chapter 621.

407.933. MINORS EMPLOYED BY DIVISION OF LIQUOR CONTROL MAY PURCHASE TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS FOR ENFORCEMENT PURPOSES — MISREPRESENTATION OF AGE, PENALTY. — 1. No person less than eighteen years of age shall purchase, attempt to purchase or possess cigarettes [or], other tobacco products, **alternative nicotine products, or vapor products** unless such person is an employee of a seller of cigarettes [or], tobacco products, **alternative nicotine products, or vapor products** and is in such possession to effect a sale in the course of employment, or an employee of the division of liquor control for enforcement purposes pursuant to subsection 5 of section 407.934.

2. Any person less than eighteen years of age shall not misrepresent his or her age to purchase cigarettes [or], tobacco products, **alternative nicotine products, or vapor products**.

3. Any person who violates the provisions of this section shall be penalized as follows:

(1) For the first violation, the person is guilty of an infraction and shall have any cigarettes [or], tobacco products, **alternative nicotine products, or vapor products** confiscated;

(2) For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes [or], tobacco products, **alternative nicotine products, or vapor products** confiscated and shall complete a tobacco education or smoking cessation program, if available.

407.934. SALES TAX LICENSE REQUIRED TO SELL TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS — DIVISION OF LIQUOR CONTROL TO HAVE INSPECTION AUTHORITY — LIMITATIONS ON USE OF MINORS FOR ENFORCEMENT PURPOSES.

— 1. No person shall sell cigarettes [or], tobacco products, **alternative nicotine products, or vapor products** unless the person has a retail sales tax license.

2. [Beginning January 1, 2002,] The department of revenue shall permit persons to designate through the internet or by including a place on all sales tax license applications for the applicant to designate himself or herself as a seller of tobacco products, **alternative nicotine products, or vapor products** and to provide a list of all locations where the applicant sells such products.

3. On or before July first of each year, the department of revenue shall make available to the division of liquor control and the department of mental health a complete list of every establishment which sells cigarettes [and], other tobacco products, **alternative nicotine products, or vapor products** in this state.

4. The division of liquor control shall have the authority to inspect stores and tobacco outlets for compliance with all laws related to access of tobacco products, **alternative nicotine products, or vapor products** to minors. The division may employ a person seventeen years of age, with parental consent, to attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco laws.

5. The supervisor of the division of liquor control shall not use minors to enforce the provisions of this chapter unless the supervisor promulgates rules that establish standards for the use of minors. The supervisor shall establish mandatory guidelines for the use of minors in investigations by a state, county, municipal or other local law enforcement authority which shall be followed by such authority and which shall, at a minimum, provide for the following:

- (1) The minor shall be seventeen years of age;
- (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive jewelry;
- (3) The state, county, municipal or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian before the use of such minor on a form approved by the supervisor;
- (4) The state, county, municipal or other local law enforcement agency shall make a photocopy of the minor's valid identification showing the minor's correct date of birth;
- (5) Any attempt by such minor to purchase tobacco products, **alternative nicotine products, or vapor products** shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the tobacco product;
- (6) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the tobacco product, **alternative nicotine product, or vapor product**;
- (7) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age;
- (8) The minor shall not lie to the seller of the tobacco product, **alternative nicotine product, or vapor product** to induce a sale of tobacco products;
- (9) The minor shall not be employed by the state, county, municipal or other local law enforcement agency on an incentive or quota basis;
- (10) The state, county, municipal or other local law enforcement agency shall, within forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the establishment if a violation occurs;
- (11) The state, county, municipal or other local law enforcement agency shall maintain records of each visit to an establishment where a minor is used by the state, county, municipal or other local law enforcement agency for a period of at least one year following the incident,

regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

- (a) The signed consent form of the minor's parent or legal guardian;
 - (b) A Polaroid photograph of the minor;
 - (c) A photocopy of the minor's valid identification, showing the minor's correct date of birth;
 - (d) An information sheet completed by the minor on a form approved by the supervisor;
- and
- (e) The name of each establishment visited by the minor, and the date and time of each visit.

6. If the state, county, municipal or other local law enforcement authority uses minors in investigations or in enforcing or determining violations of this chapter or any local ordinance and does not comply with the mandatory guidelines established by the supervisor of liquor control in subsection 5 of this section, the supervisor of liquor control shall not take any disciplinary action against the establishment or seller pursuant to this chapter based on an alleged violation discovered when using a minor and shall not cooperate in any way with the state, county, municipal or other local law enforcement authority in prosecuting any alleged violation discovered when using a minor.

Vetoed July 14, 2014

Overridden September 10, 2014

SB 866 [SS SB 866]

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

Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans

AN ACT to amend chapter 408, RSMo, by adding thereto one new section relating to installment loan lenders.

SECTION

A. Enacting clause.

408.512. Loans by traditional installment loan lenders.

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

SECTION A. ENACTING CLAUSE. — Chapter 408, RSMo, is amended by adding thereto one new section, to be known as section 408.512, to read as follows:

408.512. LOANS BY TRADITIONAL INSTALLMENT LOAN LENDERS. — 1. Any traditional installment loan lender licensed under sections 367.100 to 367.200 or section 408.510 shall be permitted to make loans and charge fees and interest as authorized under sections 408.100, 408.140, and 408.170.

2. No charter provision, ordinance, rule, order, permit, policy, guideline, or other governmental action of any political subdivision of the state, local government, city, county, or any agency, authority, board, commission, department, or officer thereof shall:

(1) Prevent, restrict, or discourage traditional installment loan lenders from lending under sections 408.100, 408.140, and 408.170;

(2) Prevent, restrict, or discourage traditional installment loan lenders from operating in any location where any lender who makes loans payable in equal installments over more than ninety days is permitted; or

(3) Create disincentives for any traditional installment loan lender from engaging in lending under sections 408.100, 408.140, and 408.170.

The provisions of this subsection shall not apply where a charter provision or valid ordinance as of August 28, 2014, expressly applies to traditional installment loan lenders.

3. As used in this section, the following terms shall mean:

(1) "Fully-amortized", the principal, defined as amount financed under the federal Truth in Lending Act, and the scheduled interest, defined as finance charge under the federal Truth in Lending Act, are repaid in substantially equal multiple installments at fixed intervals to fulfill the consumer's obligation;

(2) "Traditional installment loan", fixed rate, fully-amortized closed-end extensions of direct consumer loans. However, if any of the following are true, the transaction is not a traditional installment loan:

(a) The transaction has a repayment term of one hundred eighty-one days or fewer and is secured by the title to the borrower's motor vehicle or auto;

(b) The transaction requires that the full amount of the credit extended together with all fees and charges for the credit be repaid in ninety-one days or fewer;

(c) The transaction's scheduled repayment plan contains one or more interest-only payments or a payment that is more than ten percent greater than the average of all other scheduled payment amounts;

(d) The transaction, at origination, requires the borrower:

a. To agree to a pre-authorized automatic withdrawal in the form of a bank draft, a preapproved automated clearing house or its equivalent;

b. To agree to an allotment or an agreement to defer presentment of one or more contemporaneously-dated or postdated checks; or

c. To repay the loan in full at a borrower's next payday or other recurring deposit cycle, where the repayment is connected with a bank account;

(3) "Traditional installment loan lender", a licensee under sections 367.100 to 367.200 or section 408.510 whose direct consumer loans are limited only to traditional installment loans.

4. Nothing in this section shall apply to or preempt any ordinance governing installment lenders, or any amendment to any such ordinance, in a home rule city with more than four hundred thousand inhabitants and located in more than one county.

Vetoed July 10, 2014

Overridden September 10, 2014

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**PROPOSED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
AUGUST 5, 2014**

HJRs 11 & 7 [CCS #2 SS HCS HJRs 11 & 7]

Proposes a constitutional amendment affirming the right of farmers and ranchers to engage in modern farming and ranching practices

CONSTITUTIONAL AMENDMENT NO. 1.— (Proposed by the 97th General Assembly, First Regular Session, HJRs 11 & 7)

Official Ballot Title:

Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?

The potential costs or savings to governmental entities are unknown, but likely limited unless the resolution leads to increased litigation costs and/or the loss of federal funding.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to guarantee the rights of Missourians to engage in farming and ranching practices, subject to any power given to local government under Article VI of the Missouri Constitution.

A "no" vote will not amend the Missouri Constitution regarding farming and ranching.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

SECTION

- A. Enacting clause.
- 35. Right to farm.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE.— Article I, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 35, to read as follows:

SECTION 35. RIGHT TO FARM. — That agriculture which provides food, energy, health benefits, and security is the foundation and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's economy, the right of farmers and ranchers to engage in farming and ranching practices shall be forever guaranteed in this state, subject to duly authorized powers, if any, conferred by article VI of the Constitution of Missouri.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?"

HJR 48 [HJR 48]

Proposes a constitutional amendment requiring the State Lottery Commission to develop and sell a Veterans Lottery Ticket with proceeds to go to the Veterans Commission Capital Improvement Trust Fund

CONSTITUTIONAL AMENDMENT NO. 8. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 48)

Official Ballot Title:

Shall the Missouri Constitution be amended to create a "Veterans Lottery Ticket" and to use the revenue from the sale of these tickets for projects and services related to veterans?

The annual cost or savings to state and local governmental entities is unknown, but likely minimal. If sales of a veterans lottery ticket decrease existing lottery ticket sales, the profits of which fund education, there could be a small annual shift in funding from education to veterans' programs.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to create a "Veterans Lottery Ticket." This amendment further provides that the revenue from the sale of these tickets will be used for projects and services related to veterans.

A "no" vote will not amend the Missouri Constitution to create a "Veterans Lottery Ticket."

If passed, this measure will have no impact on taxes

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

SECTION

- A. Enacting clause.
39(b). State lottery, authority to establish — lottery proceeds fund established, purpose.
-

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 39(b), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39(b), to read as follows:

SECTION 39(b). STATE LOTTERY, AUTHORITY TO ESTABLISH — LOTTERY PROCEEDS FUND ESTABLISHED, PURPOSE. — 1. The general assembly shall have authority to authorize a Missouri state lottery by law. If such legislation is adopted, there shall be created a "State Lottery Commission" consisting of five members who shall be appointed by the governor with the advice and consent of the senate and who may be removed, for cause by the governor and who shall be chosen from the state at large and represent a broad geographic spectrum with no more than one member chosen from each federal congressional district. Each member at the time of his or her appointment and qualification shall have been a resident of this state for a period of at least five years next preceding his or her appointment and qualification and shall also be a qualified elector therein and be not less than thirty years of age. No more than three members of the commission shall be members of the same political party. Members of the commission shall have three-year terms as provided by law. Members of the commission shall receive no salary but shall receive their actual expenses incurred in the performance of their responsibilities. The commission shall employ such persons as provided by law. The commission shall have the authority to join other states and jurisdictions for the purpose of conducting joint lottery games.

2. The money received by the Missouri State lottery commission from the sale of Missouri lottery tickets, and from all other sources, shall be deposited in the "State Lottery Fund", which is hereby created in the state treasury. No later than July 1, 2015, the state lottery commission shall develop and begin selling a "Veterans Lottery Ticket", and all net proceeds received from the sales of such tickets shall be deposited solely in the veterans commission capital improvement trust fund, as provided by law.

3. [The] Except as provided in subsection 2 of this section, the monies received from the Missouri state lottery shall be governed by appropriation of the general assembly. Beginning July 1, 1993, monies representing net proceeds after payment of prizes and administrative expenses shall be transferred by appropriation to the "Lottery Proceeds Fund" which is hereby created within the state treasury and such monies in the lottery proceeds fund shall be appropriated solely for public institutions of elementary, secondary and higher education.

4. A minimum of forty-five percent of the money received from the sale of Missouri state lottery tickets shall be awarded as prizes.

5. The commission shall have the authority to purchase and hold title to any securities of the United States government or its agencies and instrumentalities thereof for prizes, as provided by law.

6. Until July 1, 1993, any person possessing a department of revenue retail sales license as provided by law or any chartered civic, fraternal, charitable or political organization or labor organization shall be eligible to obtain a license to act as a lottery ticket sales agent except a license to act as an agent to sell lottery tickets shall not be issued to any person primarily engaged in business as a lottery ticket sales agent. Until July 1, 1993, the general assembly may impose additional qualifications on such persons to obtain a lottery ticket sales agent license as it deems appropriate. Until July 1, 1993, the commission is also authorized to sell lottery tickets at its office and at special events as provided by law. Beginning July 1, 1993, the general assembly shall enact laws governing lottery ticket sales.

7. Revenues produced from the conduct of a state lottery shall not be part of "total state revenues" as defined in sections 17 and 18 of article X of this constitution and the expenditure of such revenue shall not be an "expense of state government" under section 20 of article X of this constitution.

HJR 68 [SS HJR 68]

Proposes a constitutional amendment imposing a .75% increase in the state sales and use tax for 10 years to be used for transportation purposes

CONSTITUTIONAL AMENDMENT 7.—(Proposed by the 97th General Assembly, Second Regular Session, HJR 68)

Official Ballot Title:

Should the Missouri Constitution be changed to enact a temporary sales tax of three-quarters of one percent to be used solely to fund state and local highways, roads, bridges and transportation projects for ten years, with priority given to repairing unsafe roads and bridges?

This change is expected to produce \$480 million annually to the state's Transportation Safety and Job Creation Fund and \$54 million for local governments. Increases in the gas tax will be prohibited. This revenue shall only be used for transportation purposes and cannot be diverted for other uses.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to increase funding for state, county, and municipal street, road, bridge, highway, and public transportation initiatives by increasing the state sales/use tax by three-quarters of one percent for 10 years. This amendment further prohibits a change in gasoline taxes and prohibits toll roads or bridges. This amendment also requires these measures to be re-approved by voters every 10 years.

A "no" vote will not amend the Missouri Constitution to increase funding for state, county, and municipal street, road, bridge, highway, and public transportation initiatives.

If passed, this measure will increase the state sales/use tax.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.

SECTION

- A. Enacting clause.
- 30(d). Prohibition against diverting revenue for non-highway purposes—severability of provisions—effective date.
- 30(e). Transportation sales and use taxes for state highway system—proceeds, apportionment—toll highways and bridges prohibited, when—annual report—resubmission to voters, when.
 - B. Ballot title.
 - C. Fiscal note summary.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of Missouri:

SECTION A. ENACTING CLAUSE. — Section 30(d), article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 30(d) and 30(e), to read as follows:

SECTION 30(d). PROHIBITION AGAINST DIVERTING REVENUE FOR NON-HIGHWAY PURPOSES — SEVERABILITY OF PROVISIONS — EFFECTIVE DATE. — 1. No state revenues derived from highway users which are [to be allocated] **imposed, collected, apportioned,** distributed, or deposited in the state road fund pursuant to either section 30(a) or section 30(b) shall be diverted from the highway purposes and uses specified in subsection 1 of section 30(b). No state revenues derived from highway users which are [to be allocated] **imposed, collected, apportioned,** distributed, or deposited in the state road bond fund pursuant to subdivision (3) of subsection 2 of section 30(b) shall be diverted from the highway purposes and uses specified in said subdivision (3). **No state revenues which are imposed, collected, apportioned, distributed, or deposited into the state road fund or transportation safety and job creation fund pursuant to section 30(e) of this article shall be used for administrative purposes or diverted from the state highway system purposes and uses and the state transportation system purposes and uses specified in section 30(e) of this article. The oversight division of the committee on legislative research shall conduct a program evaluation of the department of transportation to ensure the additional funds under section 30(e) are used as required under this article and provide a report to the general assembly by January 1, 2020.**

2. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** shall be self executing. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** are severable. If any provision of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of these sections shall be and remain valid.

3. The provisions of [sections 29, 30(a), 30(b), 30(c) and 30(d)] **this section and section 30(e)** shall become effective on [July 1, 2005] **January 1, 2015.**

SECTION 30(e). TRANSPORTATION SALES AND USE TAXES FOR STATE HIGHWAY SYSTEM — PROCEEDS, APPORTIONMENT — TOLL HIGHWAYS AND BRIDGES PROHIBITED, WHEN — ANNUAL REPORT — RESUBMISSION TO VOTERS, WHEN. — 1. **To provide additional moneys for state highway system purposes and uses, city streets, county roads and state transportation system purposes and uses: First, an additional state sales tax of three-quarters of one percent is hereby levied and imposed upon all transactions on which the Missouri state sales tax is imposed, subject to the provisions of and to be collected as provided in the Sales Tax Law and the rules adopted in connection therewith; and Second, an additional state use tax of three-quarters of one percent is hereby levied and imposed upon all transactions on which the Missouri state use tax is imposed, subject to the provisions of and to be collected as provided in the Compensating Use Tax Law and the rules adopted in connection therewith. No tax levied or imposed under this section shall apply to the retail sale of food as defined in the Sales Tax Law.**

2. **The proceeds from the additional state sales and use taxes imposed under this section shall be collected, apportioned, distributed, and deposited by the department of revenue as provided in this section. The term "proceeds from the additional state sales**

and use taxes” used in this subsection shall mean and include all proceeds collected by the department of revenue reduced only by refunds for overpayments and erroneous payments of such taxes as permitted by law and the department's actual costs to collect these proceeds, which shall not exceed one percent of the total amount of the tax collected. The department's actual costs to collect these proceeds shall be limited to actual costs incurred by the department of revenue, including any other entity or person designated by law or by the department to collect or to provide goods or services used to collect the additional state sales and use taxes.

3. The proceeds from the additional state sales and use taxes imposed under this section shall be apportioned, distributed, and deposited by the director of revenue as follows:

(1) Five percent of the proceeds shall be deposited into a special trust fund known as the “County Aid Transportation Fund”. Moneys in the county aid transportation fund shall be apportioned and distributed to the various counties of the state based on the county road mileage and assessed rural land valuation calculations in subdivision (1) of subsection 1 of section 30(a) of this article, except that five percent of these moneys shall be apportioned and distributed solely to cities not within any county in this state. Moneys in this fund shall be expended at the sole discretion of the various counties for any of the county road and bridge purposes and uses provided in subdivision (1) of subsection 1 of section 30(a) of this article, any state highway system purposes and uses authorized under section 30(b) of this article, or for any county transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(2) Five percent of the proceeds shall be deposited into a special trust fund known as the “Municipal Aid Transportation Fund”. Moneys in the municipal aid transportation fund shall be apportioned and distributed to the various incorporated cities, towns, and villages in the state based on the population ratio calculations in subdivision (2) of subsection 1 of section 30(a) of this article. Moneys in this fund shall be expended at the sole discretion of the various incorporated cities, towns, and villages for any of the city road, street and bridge purposes and uses provided in subdivision (2) of subsection 1 of section 30(a) of this article, any state highway system purposes and uses authorized under section 30(b) of this article, or for any city transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(3) Ninety percent of the proceeds shall be deposited into a special trust fund known as the “Transportation Safety and Job Creation Fund”, which is created within the state treasury. Moneys in the transportation safety and job creation fund shall stand appropriated without legislative action to be used and expended at the sole discretion of the highways and transportation commission for the following purposes and uses, and no other:

(a) For deposit into the state road fund for state highway system purposes and uses authorized under section 30(b) of this article; or

(b) For state transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(4) The term “transportation system purposes and uses” shall include authority for the commission, any county or any city to plan, locate, relocate, establish, acquire, construct, maintain, control, operate, develop, and fund public transportation facilities such as, but not limited to, aviation, mass transportation, transportation for elderly and handicapped persons, railroads, ports, waterborne commerce, intermodal connections, bicycle, and pedestrian improvements;

(5) All interest earned on moneys deposited into the county aid transportation fund, the municipal aid transportation fund or the transportation safety and job creation fund shall be credited to and deposited into such fund. The unexpended balance remaining in the county aid transportation fund, the municipal aid transportation fund, and the

transportation safety and job creation fund at the end of the biennium and after all warrants on same have been discharged and the appropriation, if applicable, has lapsed, shall not be transferred and placed to the credit of the general revenue fund of the state or any other fund;

(6) The moneys apportioned or distributed under this section to the transportation safety and job creation fund, county aid transportation fund, and municipal aid transportation fund shall not be included within "total state revenues" under section 17 of article X of the Constitution of Missouri, nor be considered an "expense of state government" under section 20 of article X of the Constitution of Missouri, nor be considered "state revenue" under section 3(b) of article IX of the Constitution of Missouri.

4. (1) The general assembly, counties, and municipalities are prohibited from increasing or decreasing the tax upon, or measured by, motor fuel used to propel highway motor vehicles from the rate of the tax authorized by law on January 1, 2014, while this section is in effect.

(2) The state highways and transportation commission shall not authorize, own, or operate a toll highway or toll bridge on a state highway or bridge while the sales and use tax authorized by this section is in effect. A county or municipality shall not authorize, own or operate a toll highway or toll bridge on any highway or bridge under its jurisdiction while the sales and use tax authorized by this section is in effect.

(3) Prior to the effective date of this section and prior to any subsequent election in which this section shall be submitted to voters for approval, the commission shall approve its list of projects, programs, and facilities, with a priority given to safety, on the state highway system and state transportation system that shall be funded from the proceeds from the additional sales and use taxes deposited into the transportation safety and job creation fund under this section. Starting in the second calendar year following the effective date of this section, the commission shall annually submit a report to the governor, general assembly, and joint committee on transportation oversight that shall include the status of the approved list of projects, programs, and facilities on the state highway system and state transportation system. During the ten-year period the temporary tax is in effect, the commission shall include the approved projects, programs, and facilities in one or more of the five-year statewide transportation improvement programs approved by the commission. A taxpayer of the state shall have standing to bring suit to compel the commission's inclusion of approved projects in a five-year statewide transportation improvement program. All such suits shall be brought in the circuit court of Cole County.

(4) Upon voter approval of the temporary three-quarters of one percent state sales and use tax in this section at the general election held in 2014, or at a special election to be called by the governor for that purpose, this section shall be effective January 1, 2015, and shall continue for ten years. This section shall be resubmitted to the voters for approval at the general election held in 2024. The secretary of state shall submit the ballot measure for such ten-year resubmission. If approved by a simple majority of votes cast, this section shall continue to be effective for an additional temporary ten-year period. Every ten years thereafter, the secretary of state shall submit to the voters for approval the issue of whether the sales and use tax authorized by this section shall be imposed for another ten-year period. If at any subsequent general election a simple majority of votes cast do not approve such issue, then this section shall terminate on December thirty-first of the calendar year when the last election was held.

SECTION B. BALLOT TITLE. — Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and laws of this state authorizing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in section A shall be as follows:

"Should the Missouri Constitution be changed to enact a temporary sales tax of three-quarters of one percent to be used solely to fund state and local highways, roads, bridges and transportation projects for ten years, with priority given to repairing unsafe roads and bridges?"

SECTION C. FISCAL NOTE SUMMARY. — Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and the laws of this state authorizing the general assembly to adopt a fiscal note summary for the submission of a joint resolution to the voters of this state, the official fiscal note summary of the amendment proposed by section A shall be as follows:

"This change is expected to produce \$480 million annually to the state's Transportation Safety and Job Creation Fund and \$54 million for local governments. Increases in the gas tax will be prohibited. This revenue shall only be used for transportation purposes and cannot be diverted for other uses."

SJR 27 [SCS SJR 27]

Provides that the people shall be secure in their electronic communications and data

CONSTITUTIONAL AMENDMENT NO. 9. — (Proposed by the 97th General Assembly, Second Regular Session, SJR 27)

Official Ballot Title:

Shall the Missouri Constitution be amended so that the people shall be secure in their electronic communications and data from unreasonable searches and seizures as they are now likewise secure in their persons, homes, papers and effects?

State and local governmental entities expect no significant costs or savings.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to specify that electronic data and communications have the same protections from unreasonable searches and seizures as persons, papers, homes, and effects.

A "no" vote will not amend the Missouri Constitution regarding protections for electronic communications and data.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 15 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to government access of electronic data.

SECTION

- A. Enacting clause.
- 15. Unreasonable search and seizure prohibited — contents and basis of warrants.
- B. Ballot title.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 15, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 15, to read as follows:

SECTION 15. UNREASONABLE SEARCH AND SEIZURE PROHIBITED — CONTENTS AND BASIS OF WARRANTS. — That the people shall be secure in their persons, papers, homes [and], effects, and **electronic communications and data**, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, **or access electronic data or communication**, shall issue without describing the place to be searched, or the person or thing to be seized, **or the data or communication to be accessed**, as nearly as may be; nor without probable cause, supported by written oath or affirmation.

SECTION B. BALLOT TITLE. — Pursuant to chapter 116, and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

“Shall the Missouri Constitution be amended so that the people shall be secure in their electronic communications and data from unreasonable searches and seizures as they are now likewise secure in their persons, homes, papers and effects?”

SJR 36 [SCS SJR 36]

Modifies constitutional provisions regarding the right to keep and bear arms

CONSTITUTIONAL AMENDMENT NO. 5. — (Proposed by the 97th General Assembly, Second Regular Session, SJR 36)

Official Ballot Title:

Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right and that the state government is obligated to uphold that right?

State and local governmental entities should have no direct costs or savings from this proposal. However, the proposal’s passage will likely lead to increased litigation and criminal justice related costs. The total potential costs are unknown, but could be significant.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution to expand the right to keep and bear arms to include ammunition and related accessories for such arms. This amendment also removes the language that states the right to keep and bear arms does not justify the wearing of concealed weapons. This amendment does not prevent the legislature

from limiting the rights of certain felons and certain individuals adjudicated as having a mental disorder.

A “no” vote will not amend the Missouri Constitution regarding arms, ammunition, and accessories for such arms.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

SECTION

A. Enacting clause.

23. Right to keep and bear arms, ammunition, and certain accessories — exception — rights to be unalienable.

B. Ballot title.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 23, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 23, to read as follows:

SECTION 23. RIGHT TO KEEP AND BEAR ARMS, AMMUNITION, AND CERTAIN ACCESSORIES—EXCEPTION—RIGHTS TO BE UNALIENABLE.— That the right of every citizen to keep and bear arms, **ammunition, and accessories typical to the normal function of such arms**, in defense of his home, person, **family** and property, or when lawfully summoned in aid of the civil power, shall not be questioned[; but this shall not justify the wearing of concealed weapons]. **The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those adjudicated by a court to be a danger to self or others as result of a mental disorder or mental infirmity.**

SECTION B. BALLOT TITLE. — Pursuant to chapter 116, and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this act to the voters of this state, the official ballot title of this act shall be as follows:

“Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right and that the state government is obligated to uphold that right?”

**PROPOSED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 4, 2014 ELECTION**

HJR 16 [SCS HJR 16]

Proposes a constitutional amendment allowing relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age

CONSTITUTIONAL AMENDMENT NO.2.—(Proposed by the 97th General Assembly, First Regular Session, HJR 16)

Official Ballot Title:

Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?

If more resources are needed to defend increased prosecutions additional costs to governmental entities could be at least \$1.4 million annually, otherwise the fiscal impact is expected to be limited.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to allow evidence of prior criminal acts, whether charged or uncharged, to be considered by courts in prosecutions of sexual crimes that involve a victim under eighteen years of age. The amendment limits the use of such prior acts to support the victim's testimony or show that the person charged is more likely to commit the crime. Further, the judge may exclude such prior acts if the value of considering them is substantially outweighed by the possibility of unfair prejudice to the person charged with committing the crime.

A "no" vote will not amend the Missouri Constitution regarding the use of evidence of prior criminal acts to prosecute sexual crimes.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

SECTION

- A. Enacting clause.
- 18(c). Admissibility of evidence.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Enacting clause. — Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 18(c), to read as follows:

SECTION 18(c). ADMISSIBILITY OF EVIDENCE. — Notwithstanding the provisions of sections 17 and 18(a) of this article to the contrary, in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age, relevant evidence of prior criminal acts, whether charged or uncharged, is admissible for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged. The court may exclude relevant evidence of prior criminal acts if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice.

SECTION B. BALLOT TITLE. — The official ballot title for section A of this act shall read as follows:

“Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?”

HJR 72 [HJR 72]

Proposes a constitutional amendment prohibiting the Governor from reducing any payment of public debt and requiring notification to the General Assembly when he or she makes specified payment changes of appropriations

CONSTITUTIONAL AMENDMENT No. 10. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 72)

Official Ballot Title:

Shall the Missouri Constitution be amended to require the governor to pay the public debt, to prohibit the governor from relying on revenue from legislation not yet passed when proposing a budget, and to provide a legislative check on the governor's decisions to restrict funding for education and other state services?

State governmental entities expect no direct costs or savings. Local governmental entities expect an unknown fiscal impact.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution regarding the requirements placed on the governor for proposing a state budget and for withholding money appropriated in the budget passed by the legislature. This amendment prohibits the governor from reducing funding passed by the general assembly without receiving legislative consent, and provides certain other restrictions on the governor's ability to increase or decrease line items in the budget. This amendment further prohibits the governor from

proposing a budget that relies on revenue from legislation that has not yet passed in the general assembly.

A “no” vote will not amend the Missouri Constitution regarding the requirements placed on the governor for proposing a state budget and for withholding money appropriated in the budget passed by the legislature.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing sections 24 and 27 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the governor’s budgetary authority.

SECTION

- A. Enacting clause.
- 24. Governor’s budget and recommendations as to revenue.
- 27. Power of governor to control rate of and reduce expenditures.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Enacting clause. — Sections 24 and 27, article IV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 24 and 27, to read as follows:

SECTION 24. GOVERNOR’S BUDGET AND RECOMMENDATIONS AS TO REVENUE. — The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies[, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures]. **The governor shall not determine estimated available revenues of the state using any projection of new revenues to be created from proposed legislation that has not been passed into law by the general assembly. Estimates of any unspent fund balances, without regard to actual or estimated revenues but accounting for all existing appropriations, that will constitute a surplus during the fiscal year immediately preceding the fiscal year or years for which the governor is recommending a budget, may be included in the estimated revenue available for expenditure during the fiscal year or years for which the governor is recommending a budget. As used in this section, new revenues shall not include existing provisions of law subject to expiration during the ensuing appropriation period.**

SECTION 27. POWER OF GOVERNOR TO CONTROL RATE OF AND REDUCE EXPENDITURES. — **1.** The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment [or other means,] and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based. **The governor shall not reduce any appropriation for the payment of principal and interest on the public debt.**

2. The governor shall notify the general assembly by proclamation whenever the rate at which any appropriation shall be expended is not equal quarterly allotments, the sum of which shall be equal to the amount of the appropriation. Any rate of expenditure for any appropriation which is not equal quarterly allotments shall stand reconsidered in the chamber in which the bill that contained the appropriation originated. Such reconsideration shall be in the manner that a bill is reconsidered under article III, section 32. Either the general assembly that receives the proclamation or the next general assembly may reconsider the rate of expenditure. If the general assembly successfully reconsiders the rate of expenditure for the appropriation in question, the rate shall be assumed to be equal quarterly allotments. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9. Either the general assembly that receives the proclamation or the next general assembly may reconsider such allotment allocation change. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9.

3. The governor shall notify the general assembly by proclamation when the governor reduces one or more items or portions of items of appropriation of money as a result of actual revenues being less than the revenue estimates upon which the appropriations were based. Each item or portions of items of appropriation of money shall stand reconsidered in the chamber in which the bill that contained the appropriation originated. Such reconsideration shall be in the manner that a bill is reconsidered under article III, section 32. Either the general assembly that receives the proclamation or the next general assembly may reconsider such reduction. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the General Assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to require the governor to pay the public debt, to prohibit the governor from relying on revenue from legislation not yet passed when proposing a budget, and to provide a legislative check on the governor's decisions to restrict funding for education and other state services?"

HJR 90 [SS SCS HCS HJR 90]

Proposes a constitutional amendment requiring the establishment of a six-day early voting period before a general election

Constitutional Amendment No. 6. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 90)

Official Ballot Title:

Shall the Missouri Constitution be amended to permit voting in person or by mail for a period of six business days prior to and including the Wednesday before the election day in all general elections?

State governmental entities estimated startup costs of about \$2 million and costs to reimburse local election authorities of at least \$100,000 per election. Local election authorities estimated higher reimbursable costs per election. Those costs will depend on the compensation, staffing, and, planning decisions of election authorities with the total costs being unknown.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution to permit voters, in years when the legislature provides funding, an early voting period of six business days prior to and including the Wednesday before election day to cast a ballot in all general elections. This amendment does not allow early voting on Saturday or Sunday.

A “no” vote will not amend the Missouri Constitution to provide all voters with a six-business day early voting period.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, by adding thereto one new section relating to early voting.

SECTION

- A. Enacting clause.
- 11. Early voting, requirements..
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VIII of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article VIII, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 11, to read as follows:

SECTION 11. EARLY VOTING, REQUIREMENTS. — 1. Qualified voters of the state shall be entitled to vote in person or by mail in advance of the day of the general election, but only under the following subdivisions:

(1) **Qualified voters casting ballots under this section shall have been registered to vote, unless otherwise provided by law, on or before the fourth Wednesday prior to the day of the election;**

(2) **No qualified voter shall be required to state any reason, excuse, or explanation for casting a ballot under this section;**

(3) **Ballots shall be cast in person or by mail only during the six business days, not to include Saturday or Sunday, immediately prior to and including the last Wednesday prior to the election day. In-person ballots shall be cast at the local election authority during its regular business hours;**

(4) **Each local election authority shall appoint at least one election judge from each major political party to serve at the site of the local election authority. Procedures for**

appointing judges, casting ballots, and tabulating ballots shall be the same as provided by general election laws.

2. No local election authority or other public official shall, in advance of the day of the election, disclose the identity of any qualified voter who, in advance of the day of the election, has cast or has not cast a ballot, unless the qualified voter has authorized the disclosure. A qualified voter's authorization must be in writing, signed by the qualified voter, dated, and delivered to the secretary of state no later than the sixth Wednesday prior to the day of the election. An authorization is effective only for one general election.

3. If any local election authority is required by any provision of law or of this constitution to produce, in advance of the day of the election, a list of qualified voters who have already cast ballots, such list shall designate those qualified voters who have not filed a valid written authorization under subsection 2 of this section by using a random designation that does not identify those qualified voters or provide residential or other personal information from which their identities might be determined. If any such list is required to be delivered promptly after a request, the list shall be deemed to have been promptly delivered if it is delivered no later than 5:00 p.m. on the Monday before the election day. In addition to the restrictions in this section on the provision of identifying information, any such list shall include only qualified voter information authorized to be disclosed pursuant to general election laws.

4. The secretary of state and local election authorities shall provide qualified voters mail-in ballots under this section only by mail, and only upon the written, signed, and dated request of a qualified voter. Such request shall be valid for only one general election. No qualified voter shall receive more than one mail-in ballot.

5. No local election authority or other public office shall conduct any activity or incur any expense for the purpose of allowing voting in person or by mail in advance of the general election day unless a state appropriation is made and disbursed to pay the local election authority or other public office for the increased cost or expense of the activity.

6. The provisions of this section shall be self-executing. Any law that conflicts with this section shall not be valid or enforceable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid. Nothing in this section shall be deemed to repeal or invalidate section 7 of article VIII of this constitution or to repeal or invalidate general laws permitting certain qualified voters to cast absentee ballots. This section shall not be repealed or invalidated by constitutional amendment, in whole or in part, unless the text of the amending provision expressly references this section or the parts thereof that are to be repealed, and no part of this section shall be repealed by implication.

SECTION B. BALLOT TITLE. — Pursuant to chapter 116 and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to permit voting in person or by mail for a period of six business days prior to and including the Wednesday before the election day in all general elections?"

**ADOPTED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
AUGUST 5, 2014**

HJRs 11 & 7 [CCS #2 SS HCS HJRs 11 & 7]

Proposes a constitutional amendment affirming the right of farmers and ranchers to engage in modern farming and ranching practices

CONSTITUTIONAL AMENDMENT NO. 1.— (Proposed by the 97th General Assembly, First Regular Session, HJRs 11 & 7)

Official Ballot Title:

Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?

The potential costs or savings to governmental entities are unknown, but likely limited unless the resolution leads to increased litigation costs and/or the loss of federal funding.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to guarantee the rights of Missourians to engage in farming and ranching practices, subject to any power given to local government under Article VI of the Missouri Constitution.

A "no" vote will not amend the Missouri Constitution regarding farming and ranching.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

SECTION

- A. Enacting clause.
- 35. Right to farm.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article I, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 35, to read as follows:

SECTION 35. RIGHT TO FARM. — That agriculture which provides food, energy, health benefits, and security is the foundation and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's economy, the right of farmers and ranchers to engage in farming and ranching practices shall be forever guaranteed in this state, subject to duly authorized powers, if any, conferred by article VI of the Constitution of Missouri.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?"

For — 499,963; Against — 497,588

SJR 27 [SCS SJR 27]

Provides that the people shall be secure in their electronic communications and data

CONSTITUTIONAL AMENDMENT NO. 9. — (Proposed by the 97th General Assembly, Second Regular Session, SJR 27)

Official Ballot Title:

Shall the Missouri Constitution be amended so that the people shall be secure in their electronic communications and data from unreasonable searches and seizures as they are now likewise secure in their persons, homes, papers and effects?

State and local governmental entities expect no significant costs or savings.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to specify that electronic data and communications have the same protections from unreasonable searches and seizures as persons, papers, homes, and effects.

A "no" vote will not amend the Missouri Constitution regarding protections for electronic communications and data.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 15 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to government access of electronic data.

SECTION

- A. Enacting clause.
- 15. Unreasonable search and seizure prohibited — contents and basis of warrants.
- B. Ballot title.

Be it resolved by the Senate, the House of Representatives concurring therein:

Adopted Amendments to Constitution of Missouri 1897

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 15, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 15, to read as follows:

SECTION 15. UNREASONABLE SEARCH AND SEIZURE PROHIBITED — CONTENTS AND BASIS OF WARRANTS. — That the people shall be secure in their persons, papers, homes [and], effects, **and electronic communications and data**, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, **or access electronic data or communication**, shall issue without describing the place to be searched, or the person or thing to be seized, **or the data or communication to be accessed**, as nearly as may be; nor without probable cause, supported by written oath or affirmation.

SECTION B. BALLOT TITLE. — Pursuant to chapter 116, and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended so that the people shall be secure in their electronic communications and data from unreasonable searches and seizures as they are now likewise secure in their persons, homes, papers and effects?"

For — 729,752; Against — 246,515

SJR 36 [SCS SJR 36]

Modifies constitutional provisions regarding the right to keep and bear arms

CONSTITUTIONAL AMENDMENT NO. 5. — (Proposed by the 97th General Assembly, Second Regular Session, SJR 36)

Official Ballot Title:

Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right and that the state government is obligated to uphold that right?

State and local governmental entities should have no direct costs or savings from this proposal. However, the proposal's passage will likely lead to increased litigation and criminal justice related costs. The total potential costs are unknown, but could be significant.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to expand the right to keep and bear arms to include ammunition and related accessories for such arms. This amendment also removes the language that states the right to keep and bear arms does not justify the wearing of concealed weapons. This amendment does not prevent the legislature

from limiting the rights of certain felons and certain individuals adjudicated as having a mental disorder.

A “no” vote will not amend the Missouri Constitution regarding arms, ammunition, and accessories for such arms.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

SECTION

A. Enacting clause.

23. Right to keep and bear arms, ammunition, and certain accessories — exception — rights to be unalienable.

B. Ballot title.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 23, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 23, to read as follows:

SECTION 23. RIGHT TO KEEP AND BEAR ARMS, AMMUNITION, AND CERTAIN ACCESSORIES—EXCEPTION—RIGHTS TO BE UNALIENABLE. — That the right of every citizen to keep and bear arms, **ammunition, and accessories typical to the normal function of such arms**, in defense of his home, person, **family** and property, or when lawfully summoned in aid of the civil power, shall not be questioned[; but this shall not justify the wearing of concealed weapons]. **The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those adjudicated by a court to be a danger to self or others as result of a mental disorder or mental infirmity.**

SECTION B. BALLOT TITLE. — Pursuant to chapter 116, and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this act to the voters of this state, the official ballot title of this act shall be as follows:

“Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right and that the state government is obligated to uphold that right?”

For — 602,863; Against — 386,308

**DEFEATED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
AUGUST 5, 2014**

HJR 48 [HJR 48]

Proposes a constitutional amendment requiring the State Lottery Commission to develop and sell a Veterans Lottery Ticket with proceeds to go to the Veterans Commission Capital Improvement Trust Fund

CONSTITUTIONAL AMENDMENT NO. 8. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 48)

Official Ballot Title:

Shall the Missouri Constitution be amended to create a "Veterans Lottery Ticket" and to use the revenue from the sale of these tickets for projects and services related to veterans?

The annual cost or savings to state and local governmental entities is unknown, but likely minimal. If sales of a veterans lottery ticket game decrease existing lottery ticket sales, the profits of which fund education, there could be a small annual shift in funding from education to veterans' programs.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to create a "Veterans Lottery Ticket." This amendment further provides that the revenue from the sale of these tickets will be used for projects and services related to veterans.

A "no" vote will not amend the Missouri Constitution to create a "Veterans Lottery Ticket."

If passed, this measure will have no impact on taxes

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

SECTION

A. Enacting clause.

39(b). State lottery, authority to establish — lottery proceeds fund established, purpose.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 39(b), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39(b), to read as follows:

SECTION 39(b). STATE LOTTERY, AUTHORITY TO ESTABLISH — LOTTERY PROCEEDS FUND ESTABLISHED, PURPOSE. — 1. The general assembly shall have authority to authorize a Missouri state lottery by law. If such legislation is adopted, there shall be created a "State Lottery Commission" consisting of five members who shall be appointed by the governor with the advice and consent of the senate and who may be removed, for cause by the governor and who shall be chosen from the state at large and represent a broad geographic spectrum with no more than one member chosen from each federal congressional district. Each member at the time of his or her appointment and qualification shall have been a resident of this state for a period of at least five years next preceding his or her appointment and qualification and shall also be a qualified elector therein and be not less than thirty years of age. No more than three members of the commission shall be members of the same political party. Members of the commission shall have three-year terms as provided by law. Members of the commission shall receive no salary but shall receive their actual expenses incurred in the performance of their responsibilities. The commission shall employ such persons as provided by law. The commission shall have the authority to join other states and jurisdictions for the purpose of conducting joint lottery games.

2. The money received by the Missouri State lottery commission from the sale of Missouri lottery tickets, and from all other sources, shall be deposited in the "State Lottery Fund", which is hereby created in the state treasury. No later than July 1, 2015, the state lottery commission shall develop and begin selling a "Veterans Lottery Ticket", and all net proceeds received from the sales of such tickets shall be deposited solely in the veterans commission capital improvement trust fund, as provided by law.

3. [The] Except as provided in subsection 2 of this section, the monies received from the Missouri state lottery shall be governed by appropriation of the general assembly. Beginning July 1, 1993, monies representing net proceeds after payment of prizes and administrative expenses shall be transferred by appropriation to the "Lottery Proceeds Fund" which is hereby created within the state treasury and such monies in the lottery proceeds fund shall be appropriated solely for public institutions of elementary, secondary and higher education.

4. A minimum of forty-five percent of the money received from the sale of Missouri state lottery tickets shall be awarded as prizes.

5. The commission shall have the authority to purchase and hold title to any securities of the United States government or its agencies and instrumentalities thereof for prizes, as provided by law.

6. Until July 1, 1993, any person possessing a department of revenue retail sales license as provided by law or any chartered civic, fraternal, charitable or political organization or labor organization shall be eligible to obtain a license to act as a lottery ticket sales agent except a license to act as an agent to sell lottery tickets shall not be issued to any person primarily engaged in business as a lottery ticket sales agent. Until July 1, 1993, the general assembly may impose additional qualifications on such persons to obtain a lottery ticket sales agent license as it deems appropriate. Until July 1, 1993, the commission is also authorized to sell lottery tickets at its office and at special events as provided by law. Beginning July 1, 1993, the general assembly shall enact laws governing lottery ticket sales.

7. Revenues produced from the conduct of a state lottery shall not be part of "total state revenues" as defined in sections 17 and 18 of article X of this constitution and the expenditure of such revenue shall not be an "expense of state government" under section 20 of article X of this constitution.

For — 441,520; Against — 539,519

HJR 68 [SS HJR 68]

Proposes a constitutional amendment imposing a .75% increase in the state sales and use tax for 10 years to be used for transportation purposes

CONSTITUTIONAL AMENDMENT 7.—(Proposed by the 97th General Assembly, Second Regular Session, HJR 68)

Official Ballot Title:

Should the Missouri Constitution be changed to enact a temporary sales tax of three-quarters of one percent to be used solely to fund state and local highways, roads, bridges and transportation projects for ten years, with priority given to repairing unsafe roads and bridges?

This change is expected to produce \$480 million annually to the state's Transportation Safety and Job Creation Fund and \$54 million for local governments. Increases in the gas tax will be prohibited. This revenue shall only be used for transportation purposes and cannot be diverted for other uses.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to increase funding for state, county, and municipal street, road, bridge, highway, and public transportation initiatives by increasing the state sales/use tax by three-quarters of one percent for 10 years. This amendment further prohibits a change in gasoline taxes and prohibits toll roads or bridges. This amendment also requires these measures to be re-approved by voters every 10 years.

A "no" vote will not amend the Missouri Constitution to increase funding for state, county, and municipal street, road, bridge, highway, and public transportation initiatives.

If passed, this measure will increase the state sales/use tax.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.

SECTION

- A. Enacting clause.
- 30(d). Prohibition against diverting revenue for non-highway purposes — severability of provisions — effective date.
- 30(e). Transportation sales and use taxes for state highway system — proceeds, apportionment — toll highways and bridges prohibited, when — annual report — resubmission to voters, when.
- B. Ballot title.
- C. Fiscal note summary.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of Missouri:

SECTION A. ENACTING CLAUSE. — Section 30(d), article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 30(d) and 30(e), to read as follows:

SECTION 30(d). PROHIBITION AGAINST DIVERTING REVENUE FOR NON-HIGHWAY PURPOSES — SEVERABILITY OF PROVISIONS — EFFECTIVE DATE. — 1. No state revenues derived from highway users which are [to be allocated] **imposed, collected, apportioned,** distributed, or deposited in the state road fund pursuant to either section 30(a) or section 30(b) shall be diverted from the highway purposes and uses specified in subsection 1 of section 30(b). No state revenues derived from highway users which are [to be allocated] **imposed, collected, apportioned,** distributed, or deposited in the state road bond fund pursuant to subdivision (3) of subsection 2 of section 30(b) shall be diverted from the highway purposes and uses specified in said subdivision (3). **No state revenues which are imposed, collected, apportioned, distributed, or deposited into the state road fund or transportation safety and job creation fund pursuant to section 30(e) of this article shall be used for administrative purposes or diverted from the state highway system purposes and uses and the state transportation system purposes and uses specified in section 30(e) of this article. The oversight division of the committee on legislative research shall conduct a program evaluation of the department of transportation to ensure the additional funds under section 30(e) are used as required under this article and provide a report to the general assembly by January 1, 2020.**

2. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** shall be self executing. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** are severable. If any provision of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of these sections shall be and remain valid.

3. The provisions of [sections 29, 30(a), 30(b), 30(c) and 30(d)] **this section and section 30(e)** shall become effective on [July 1, 2005] **January 1, 2015.**

SECTION 30(e). TRANSPORTATION SALES AND USE TAXES FOR STATE HIGHWAY SYSTEM — PROCEEDS, APPORTIONMENT — TOLL HIGHWAYS AND BRIDGES PROHIBITED, WHEN — ANNUAL REPORT — RESUBMISSION TO VOTERS, WHEN. — 1. **To provide additional moneys for state highway system purposes and uses, city streets, county roads and state transportation system purposes and uses: First, an additional state sales tax of three-quarters of one percent is hereby levied and imposed upon all transactions on which the Missouri state sales tax is imposed, subject to the provisions of and to be collected as provided in the Sales Tax Law and the rules adopted in connection therewith; and Second, an additional state use tax of three-quarters of one percent is hereby levied and imposed upon all transactions on which the Missouri state use tax is imposed, subject to the provisions of and to be collected as provided in the Compensating Use Tax Law and the rules adopted in connection therewith. No tax levied or imposed under this section shall apply to the retail sale of food as defined in the Sales Tax Law.**

2. **The proceeds from the additional state sales and use taxes imposed under this section shall be collected, apportioned, distributed, and deposited by the department of revenue as provided in this section. The term "proceeds from the additional state sales and use taxes" used in this subsection shall mean and include all proceeds collected by the department of revenue reduced only by refunds for overpayments and erroneous payments of such taxes as permitted by law and the department's actual costs to collect these proceeds, which shall not exceed one percent of the total amount of the tax collected. The department's actual costs to collect these proceeds shall be limited to actual costs incurred by the department of revenue, including any other entity or person designated by law or by the department to collect or to provide goods or services used to collect the additional state sales and use taxes.**

3. The proceeds from the additional state sales and use taxes imposed under this section shall be apportioned, distributed, and deposited by the director of revenue as follows:

(1) Five percent of the proceeds shall be deposited into a special trust fund known as the "County Aid Transportation Fund". Moneys in the county aid transportation fund shall be apportioned and distributed to the various counties of the state based on the county road mileage and assessed rural land valuation calculations in subdivision (1) of subsection 1 of section 30(a) of this article, except that five percent of these moneys shall be apportioned and distributed solely to cities not within any county in this state. Moneys in this fund shall be expended at the sole discretion of the various counties for any of the county road and bridge purposes and uses provided in subdivision (1) of subsection 1 of section 30(a) of this article, any state highway system purposes and uses authorized under section 30(b) of this article, or for any county transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(2) Five percent of the proceeds shall be deposited into a special trust fund known as the "Municipal Aid Transportation Fund". Moneys in the municipal aid transportation fund shall be apportioned and distributed to the various incorporated cities, towns, and villages in the state based on the population ratio calculations in subdivision (2) of subsection 1 of section 30(a) of this article. Moneys in this fund shall be expended at the sole discretion of the various incorporated cities, towns, and villages for any of the city road, street and bridge purposes and uses provided in subdivision (2) of subsection 1 of section 30(a) of this article, any state highway system purposes and uses authorized under section 30(b) of this article, or for any city transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(3) Ninety percent of the proceeds shall be deposited into a special trust fund known as the "Transportation Safety and Job Creation Fund", which is created within the state treasury. Moneys in the transportation safety and job creation fund shall stand appropriated without legislative action to be used and expended at the sole discretion of the highways and transportation commission for the following purposes and uses, and no other:

(a) For deposit into the state road fund for state highway system purposes and uses authorized under section 30(b) of this article; or

(b) For state transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(4) The term "transportation system purposes and uses" shall include authority for the commission, any county or any city to plan, locate, relocate, establish, acquire, construct, maintain, control, operate, develop, and fund public transportation facilities such as, but not limited to, aviation, mass transportation, transportation for elderly and handicapped persons, railroads, ports, waterborne commerce, intermodal connections, bicycle, and pedestrian improvements;

(5) All interest earned on moneys deposited into the county aid transportation fund, the municipal aid transportation fund or the transportation safety and job creation fund shall be credited to and deposited into such fund. The unexpended balance remaining in the county aid transportation fund, the municipal aid transportation fund, and the transportation safety and job creation fund at the end of the biennium and after all warrants on same have been discharged and the appropriation, if applicable, has lapsed, shall not be transferred and placed to the credit of the general revenue fund of the state or any other fund;

(6) The moneys apportioned or distributed under this section to the transportation safety and job creation fund, county aid transportation fund, and municipal aid transportation fund shall not be included within "total state revenues" under section 17 of article X of the Constitution of Missouri, nor be considered an "expense of state

government” under section 20 of article X of the Constitution of Missouri, nor be considered “state revenue” under section 3(b) of article IX of the Constitution of Missouri.

4. (1) The general assembly, counties, and municipalities are prohibited from increasing or decreasing the tax upon, or measured by, motor fuel used to propel highway motor vehicles from the rate of the tax authorized by law on January 1, 2014, while this section is in effect.

(2) The state highways and transportation commission shall not authorize, own, or operate a toll highway or toll bridge on a state highway or bridge while the sales and use tax authorized by this section is in effect. A county or municipality shall not authorize, own or operate a toll highway or toll bridge on any highway or bridge under its jurisdiction while the sales and use tax authorized by this section is in effect.

(3) Prior to the effective date of this section and prior to any subsequent election in which this section shall be submitted to voters for approval, the commission shall approve its list of projects, programs, and facilities, with a priority given to safety, on the state highway system and state transportation system that shall be funded from the proceeds from the additional sales and use taxes deposited into the transportation safety and job creation fund under this section. Starting in the second calendar year following the effective date of this section, the commission shall annually submit a report to the governor, general assembly, and joint committee on transportation oversight that shall include the status of the approved list of projects, programs, and facilities on the state highway system and state transportation system. During the ten-year period the temporary tax is in effect, the commission shall include the approved projects, programs, and facilities in one or more of the five-year statewide transportation improvement programs approved by the commission. A taxpayer of the state shall have standing to bring suit to compel the commission’s inclusion of approved projects in a five-year statewide transportation improvement program. All such suits shall be brought in the circuit court of Cole County.

(4) Upon voter approval of the temporary three-quarters of one percent state sales and use tax in this section at the general election held in 2014, or at a special election to be called by the governor for that purpose, this section shall be effective January 1, 2015, and shall continue for ten years. This section shall be resubmitted to the voters for approval at the general election held in 2024. The secretary of state shall submit the ballot measure for such ten-year resubmission. If approved by a simple majority of votes cast, this section shall continue to be effective for an additional temporary ten-year period. Every ten years thereafter, the secretary of state shall submit to the voters for approval the issue of whether the sales and use tax authorized by this section shall be imposed for another ten-year period. If at any subsequent general election a simple majority of votes cast do not approve such issue, then this section shall terminate on December thirty-first of the calendar year when the last election was held.

SECTION B. BALLOT TITLE.— Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and laws of this state authorizing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in section A shall be as follows:

“Should the Missouri Constitution be changed to enact a temporary sales tax of three-quarters of one percent to be used solely to fund state and local highways, roads, bridges and transportation projects for ten years, with priority given to repairing unsafe roads and bridges?”

SECTION C. FISCAL NOTE SUMMARY.— Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and the laws of this state authorizing the general assembly

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to adopt a fiscal note summary for the submission of a joint resolution to the voters of this state, the official fiscal note summary of the amendment proposed by section A shall be as follows:

“This change is expected to produce \$480 million annually to the state's Transportation Safety and Job Creation Fund and \$54 million for local governments. Increases in the gas tax will be prohibited. This revenue shall only be used for transportation purposes and cannot be diverted for other uses.”.

For — 408,288; Against — 591,932

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**ADOPTED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 4, 2014**

HJR 16 [SCS HJR 16]

Proposes a constitutional amendment allowing relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age

CONSTITUTIONAL AMENDMENT NO. 2.—(Proposed by the 97th General Assembly, First Regular Session, HJR 16)

Official Ballot Title:

Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?

If more resources are needed to defend increased prosecutions additional costs to governmental entities could be at least \$1.4 million annually, otherwise the fiscal impact is expected to be limited.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to allow evidence of prior criminal acts, whether charged or uncharged, to be considered by courts in prosecutions of sexual crimes that involve a victim under eighteen years of age. The amendment limits the use of such prior acts to support the victim's testimony or show that the person charged is more likely to commit the crime. Further, the judge may exclude such prior acts if the value of considering them is substantially outweighed by the possibility of unfair prejudice to the person charged with committing the crime.

A "no" vote will not amend the Missouri Constitution regarding the use of evidence of prior criminal acts to prosecute sexual crimes.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

SECTION

- A. Enacting clause.
- 18(c). Admissibility of evidence.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 18(c), to read as follows:

SECTION 18(c). ADMISSIBILITY OF EVIDENCE. — Notwithstanding the provisions of sections 17 and 18(a) of this article to the contrary, in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age, relevant evidence of prior criminal acts, whether charged or uncharged, is admissible for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged. The court may exclude relevant evidence of prior criminal acts if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice.

SECTION B. BALLOT TITLE. — The official ballot title for section A of this act shall read as follows:

“Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?”

FOR — 1,015,899; AGAINST — 395,736 (As of November 5, 2014)

HJR 72 [HJR 72]

Proposes a constitutional amendment prohibiting the Governor from reducing any payment of public debt and requiring notification to the General Assembly when he or she makes specified payment changes of appropriations

CONSTITUTIONAL AMENDMENT No. 10. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 72)

Official Ballot Title:

Shall the Missouri Constitution be amended to require the governor to pay the public debt, to prohibit the governor from relying on revenue from legislation not yet passed when proposing a budget, and to provide a legislative check on the governor's decisions to restrict funding for education and other state services?

State governmental entities expect no direct costs or savings. Local governmental entities expect an unknown fiscal impact.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution regarding the requirements placed on the governor for proposing a state budget and for withholding money appropriated

in the budget passed by the legislature. This amendment prohibits the governor from reducing funding passed by the general assembly without receiving legislative consent, and provides certain other restrictions on the governor's ability to increase or decrease line items in the budget. This amendment further prohibits the governor from proposing a budget that relies on revenue from legislation that has not yet passed in the general assembly.

A "no" vote will not amend the Missouri Constitution regarding the requirements placed on the governor for proposing a state budget and for withholding money appropriated in the budget passed by the legislature.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing sections 24 and 27 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the governor's budgetary authority.

SECTION

- A. Enacting clause.
- 24. Governor's budget and recommendations as to revenue.
- 27. Power of governor to control rate of and reduce expenditures.
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Sections 24 and 27, article IV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 24 and 27, to read as follows:

SECTION 24. GOVERNOR'S BUDGET AND RECOMMENDATIONS AS TO REVENUE. — The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies[, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures]. **The governor shall not determine estimated available revenues of the state using any projection of new revenues to be created from proposed legislation that has not been passed into law by the general assembly. Estimates of any unspent fund balances, without regard to actual or estimated revenues but accounting for all existing appropriations, that will constitute a surplus during the fiscal year immediately preceding the fiscal year or years for which the governor is recommending a budget, may be included in the estimated revenue available for expenditure during the fiscal year or years for which the governor is recommending a budget. As used in this section, new revenues shall not include existing provisions of law subject to expiration during the ensuing appropriation period.**

SECTION 27. POWER OF GOVERNOR TO CONTROL RATE OF AND REDUCE EXPENDITURES. — **1.** The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment [or other means,] and may reduce the expenditures

of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based. **The governor shall not reduce any appropriation for the payment of principal and interest on the public debt.**

2. The governor shall notify the general assembly by proclamation whenever the rate at which any appropriation shall be expended is not equal quarterly allotments, the sum of which shall be equal to the amount of the appropriation. Any rate of expenditure for any appropriation which is not equal quarterly allotments shall stand reconsidered in the chamber in which the bill that contained the appropriation originated. Such reconsideration shall be in the manner that a bill is reconsidered under article III, section 32. Either the general assembly that receives the proclamation or the next general assembly may reconsider the rate of expenditure. If the general assembly successfully reconsiders the rate of expenditure for the appropriation in question, the rate shall be assumed to be equal quarterly allotments. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9. Either the general assembly that receives the proclamation or the next general assembly may reconsider such allotment allocation change. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9.

3. The governor shall notify the general assembly by proclamation when the governor reduces one or more items or portions of items of appropriation of money as a result of actual revenues being less than the revenue estimates upon which the appropriations were based. Each item or portions of items of appropriation of money shall stand reconsidered in the chamber in which the bill that contained the appropriation originated. Such reconsideration shall be in the manner that a bill is reconsidered under article III, section 32. Either the general assembly that receives the proclamation or the next general assembly may reconsider such reduction. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the General Assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to require the governor to pay the public debt, to prohibit the governor from relying on revenue from legislation not yet passed when proposing a budget, and to provide a legislative check on the governor's decisions to restrict funding for education and other state services?"

FOR — 788,930; AGAINST — 599,929 (As of November 5, 2014)

**DEFEATED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 4, 2014**

HJR 90 [SS SCS HCS HJR 90]

Proposes a constitutional amendment requiring the establishment of a six-day early voting period before a general election

Constitutional Amendment No. 6.— (Proposed by the 97th General Assembly, Second Regular Session, HJR 90)

Official Ballot Title:

Shall the Missouri Constitution be amended to permit voting in person or by mail for a period of six business days prior to and including the Wednesday before the election day in all general elections?

State governmental entities estimated startup costs of about \$2 million and costs to reimburse local election authorities of at least \$100,000 per election. Local election authorities estimated higher reimbursable costs per election. Those costs will depend on the compensation, staffing, and, planning decisions of election authorities with the total costs being unknown.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution to permit voters, in years when the legislature provides funding, an early voting period of six business days prior to and including the Wednesday before election day to cast a ballot in all general elections. This amendment does not allow early voting on Saturday or Sunday.

A “no” vote will not amend the Missouri Constitution to provide all voters with a six-business day early voting period.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, by adding thereto one new section relating to early voting.

SECTION

- A. Enacting clause.
- 11. Early voting, requirements..
- B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for

adoption or rejection, the following amendment to article VIII of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE.— Article VIII, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 11, to read as follows:

SECTION 11. EARLY VOTING, REQUIREMENTS. — **1. Qualified voters of the state shall be entitled to vote in person or by mail in advance of the day of the general election, but only under the following subdivisions:**

(1) Qualified voters casting ballots under this section shall have been registered to vote, unless otherwise provided by law, on or before the fourth Wednesday prior to the day of the election;

(2) No qualified voter shall be required to state any reason, excuse, or explanation for casting a ballot under this section;

(3) Ballots shall be cast in person or by mail only during the six business days, not to include Saturday or Sunday, immediately prior to and including the last Wednesday prior to the election day. In-person ballots shall be cast at the local election authority during its regular business hours;

(4) Each local election authority shall appoint at least one election judge from each major political party to serve at the site of the local election authority. Procedures for appointing judges, casting ballots, and tabulating ballots shall be the same as provided by general election laws.

2. No local election authority or other public official shall, in advance of the day of the election, disclose the identity of any qualified voter who, in advance of the day of the election, has cast or has not cast a ballot, unless the qualified voter has authorized the disclosure. A qualified voter's authorization must be in writing, signed by the qualified voter, dated, and delivered to the secretary of state no later than the sixth Wednesday prior to the day of the election. An authorization is effective only for one general election.

3. If any local election authority is required by any provision of law or of this constitution to produce, in advance of the day of the election, a list of qualified voters who have already cast ballots, such list shall designate those qualified voters who have not filed a valid written authorization under subsection 2 of this section by using a random designation that does not identify those qualified voters or provide residential or other personal information from which their identities might be determined. If any such list is required to be delivered promptly after a request, the list shall be deemed to have been promptly delivered if it is delivered no later than 5:00 p.m. on the Monday before the election day. In addition to the restrictions in this section on the provision of identifying information, any such list shall include only qualified voter information authorized to be disclosed pursuant to general election laws.

4. The secretary of state and local election authorities shall provide qualified voters mail-in ballots under this section only by mail, and only upon the written, signed, and dated request of a qualified voter. Such request shall be valid for only one general election. No qualified voter shall receive more than one mail-in ballot.

5. No local election authority or other public office shall conduct any activity or incur any expense for the purpose of allowing voting in person or by mail in advance of the general election day unless a state appropriation is made and disbursed to pay the local election authority or other public office for the increased cost or expense of the activity.

6. The provisions of this section shall be self-executing. Any law that conflicts with this section shall not be valid or enforceable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid. Nothing in this section shall be deemed to repeal or invalidate section 7 of article VIII of this constitution or to repeal

Defeated Amendments to Constitution of Missouri 1913

or invalidate general laws permitting certain qualified voters to cast absentee ballots. This section shall not be repealed or invalidated by constitutional amendment, in whole or in part, unless the text of the amending provision expressly references this section or the parts thereof that are to be repealed, and no part of this section shall be repealed by implication.

SECTION B. BALLOT TITLE. — Pursuant to chapter 116 and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to permit voting in person or by mail for a period of six business days prior to and including the Wednesday before the election day in all general elections?"

FOR — 414,911; AGAINST — 983,504 (As of November 5, 2014)

DEFEATED INITIATIVE PETITION
NOVEMBER 4, 2014

Constitutional Amendment No. 3. — (Proposed by Initiative Petition)

Official Ballot Title:

Shall the Missouri Constitution be amended to:

- require teachers to be evaluated by a standards based performance evaluation system for which each local school district must receive state approval to continue receiving state and local funding;
- require teachers to be dismissed, retained, demoted, promoted and paid primarily using quantifiable student performance data as part of the evaluation system;
- require teachers to enter into contracts of three years or fewer with public school districts; and
- prohibit teachers from organizing or collectively bargaining regarding the design and implementation of the teacher evaluation system?

Decisions by school districts regarding provisions allowed or required by this proposal and their implementation will influence the potential costs or savings impacting each district. Significant potential costs may be incurred by the state and/or the districts if new/additional evaluation instruments must be developed to satisfy the proposal's performance evaluation requirements.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to require teachers to be evaluated by a standards based performance evaluation system. Each system must receive state approval in order for the local school district to continue receiving state and local funding. Teachers will be dismissed, retained, demoted, promoted and paid primarily using quantifiable student performance data as part of the evaluation system. The amendment further requires teachers to enter into contracts of three years or fewer with public school districts, with exceptions. The amendment also prohibits teachers from organizing or collectively bargaining regarding the design and implementation of the teacher evaluation system.

A "no" vote will not amend the Missouri Constitution regarding teacher contracts and performance evaluation systems.

If passed, this measure will have no impact on taxes.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article IX is amended by adopting six new sections to be known as Article IX, Sections 3(d), 3(e), 3(f), 3(g), 3(h), and 3(i), to read as follows:

Section 3(d). All certificated staff shall be at will employees unless a contract is entered into between a school district and certificated staff (1) prior to the effective date of this section; or (2) pursuant to the provisions of section 3(e), 3(f), and 3(h) of this article. "Certificated staff," as used in this article, shall mean employees of a school district who hold a valid certificate to teach in the State of Missouri.

Section 3(e). No school district receiving any state funding or local tax revenue funding shall enter into new contracts having a term or duration in excess of three years with certificated staff.

Section 3(f). Effective beginning July 1, 2015, and notwithstanding any provisions of this constitution, any school district receiving any state funding or local tax revenue shall develop and implement a standards based performance evaluation system approved by the Missouri Department of Elementary and Secondary Education. The majority of such evaluation system shall be based upon quantifiable student performance data as measured by objective criteria and such evaluation system shall be used in (1) retaining, promoting, demoting, dismissing, removing, discharging and setting compensation for certificated staff; (2) modifying or terminating any contracts with certificated staff; and (3) placing on leave of absence any certificated staff because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district.

Section 3(g). Nothing in section 3(f) shall prevent a school district from demoting, removing, discharging, or terminating a contract with certificated staff for one or more of the following causes: (1) physical or mental condition unfitting him to instruct or associate with children; (2) immoral conduct; (3) incompetency, inefficiency or insubordination in line of duty; (4) willful or persistent violation of, or failure to obey, state laws or regulations; (5) excessive or unreasonable absence from performance of duties; or (6) conviction of a felony or a crime involving moral turpitude.

Section 3(h). In any suit to challenge a school district's decision regarding retention, promotion, demotion, dismissal, removal, discharge, modification or termination of contracts, or setting compensation of certificated staff, except for decisions made for any of the causes listed in Section 3(g) of this Article, the person bringing such suit must establish that the school district failed to properly utilize the standards based performance evaluation system as referenced in Section 3(f) of this Article.

Section 3(i). Certificated staff shall retain the right to organize and to bargain collectively as provided in article I, section 29 of this Constitution, except with respect to the design and implementation of the performance based evaluation system established in this article, and as otherwise referenced in this article.

FOR — 338,216; AGAINST — 1,097,807 (As of November 5, 2014)

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HOUSE CONCURRENT RESOLUTION NO. 1 [HCR 1]

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Tuesday, January 21, 2014, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-seventh General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 2 [HCR 2]

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 22, 2014, to receive a message from the Honorable Mary R. Russell, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform Her Honor that the House of Representatives and the Senate of the Ninety-seventh General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that Her Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 4 [HCR 4]

WHEREAS, high oil prices are having a major detrimental impact on families, farms, and businesses in Missouri and are likely to undercut the prospects for an economic recovery; and

WHEREAS, the United States currently imports almost half of its oil and petroleum products, making it dependent on foreign sources and subject to interruptions and price fluctuations stemming from geopolitical forces; and

WHEREAS, such instability has damaging consequences both for our economy and our national security; and

WHEREAS, the United States Geological Survey estimates a resource of up to 27 billion barrels of oil in the Chukchi and Beaufort seas of Alaska, providing a vast domestic oil reserve, but opposition and regulatory hurdles are keeping energy producers from accessing these resources; and

WHEREAS, the TransCanada Keystone XL pipeline project seeks to link expanded oil production from the Canadian oil sands to refineries in the United States and to facilitate the flow of oil from the Dakotas to the Gulf Coast, thereby decreasing our dependence on oil from outside of North America; and

WHEREAS, Canada is a close friend and ally, with whom we share links of infrastructure and energy networks and other ties, so that dollars spent on Canadian oil will likely contribute to the success of the American economy; and

WHEREAS, the TransCanada pipeline project is projected to create construction and manufacturing jobs in the United States, adding billions of dollars to the United States economy:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby call upon President Barack Obama and administration officials to:

(1) Support the increased importation of oil from Canadian oil sands and to approve the newly routed TransCanada Keystone XL pipeline to reduce our oil dependency on unstable governments, strengthen ties with an important ally, and create jobs for American workers;

(2) Support and facilitate permitting for oil production off the northern coast of Alaska to decrease our dependence on foreign oil and spur investment in the American economy; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, Vice President Joe Biden, Secretary of State John Kerry, United States House of Representatives Speaker John Boehner, and each member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 5 [HCR 5]

WHEREAS, the United States is still many years away from ending its dependency on nonrenewable resources despite recent focus on renewable energy. In order to fuel our economy, the United States will need more oil and natural gas, while also requiring additional alternative energy sources like ethanol and other renewables; and

WHEREAS, the United States currently depends on foreign imports for more than half of our petroleum usage. As the largest consumer of petroleum in the world, our dependence on foreign oil has created difficult geopolitical relationships with damaging consequences for our national security; and

WHEREAS, Canadian oil reserves are vast and are second only to Saudi Arabia, using current measurements. Oil sands now account for more than half of western Canada's total oil output; and

WHEREAS, a recent study by the United States Department of Energy found that growing Canadian oil sands importation by the United States has the potential to substantially reduce the United States' dependency on sources outside of North America; and

WHEREAS, Canada is a friendly neighbor with whom the United States has an excellent trading and political relationship. Canada sends more than 99% of its oil exports to the United States, the bulk of which goes to Midwestern refineries. Canadian oil sands provide greater fuel supply reliability and reduce the risk of supply disruptions to consumers; and

WHEREAS, oil companies are investing large sums to expand and upgrade refineries in the Midwest and elsewhere to make gasoline and other refined products from the Canadian oil derived from oil sands; and

WHEREAS, some of the money used to buy Canadian oil will likely later be spent on imported U.S. goods and services, contrasting with the money sent to hostile oil-producing governments which may then be used to further anti-Western agendas; and

WHEREAS, supporting the continued shift towards reliable and secure sources of Canadian oil is of vital interest to the United States and the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby:

- (1) Support continued and increased importation of Canadian oil sands;
- (2) Urge Congress to support continued and increased importation of Canadian oil sands;
- (3) Urge Congress to ask the United States Secretary of State to approve the TransCanada Keystone Coast Expansion pipeline project that has been awaiting a presidential permit since 2008 to reduce dependence on unstable governments, improve our national security, and strengthen ties with an important ally; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

**SENATE SUBSTITUTE WITH HOUSE PERFECTING AMENDMENT 1
HOUSE CONCURRENT RESOLUTION NO. 9 [SS HCR 9]**

WHEREAS, in 1959, Senate Resolution No. 33 and House Resolution No. 19, recognizing the importance of the extraordinary manifestations of nature and recreational attributes of the Current and Jacks Fork Riverways, requested Congress to enact legislation to preserve the natural resources and provide recreational development and other improvements for the public use; and

WHEREAS, in 1964, Congress answered Missouri's request by enacting legislation to establish the Ozark National Scenic Riverways; and

WHEREAS, the riverways within the Ozark National Scenic Riverways are, and remain, public highways of the State of Missouri, subject to concurrent jurisdiction between the State of Missouri and the United States under Missouri Senate Bill No. 362 enacted in 1971; and

WHEREAS, in 2005, the National Park Service began researching for the purpose of drafting a new general management plan for the Ozark National Scenic Riverways; and

WHEREAS, the National Park Service is advocating the "Preferred Alternative" option of the general management plan; and

WHEREAS, the goal of the "Preferred Alternative" option of the general management plan is to shut down public access points to riverways, eliminate motorized boat traffic from certain areas, further restrict boat motor horsepower in other areas, close several gravel bars, and propose that additional areas be designated as federal wilderness; and

WHEREAS, the "No-Action Alternative" option of the general management plan is an appropriate balance between resource preservation and opportunities for recreational use; and

WHEREAS, the general management plan will guide decisions related to the Ozark National Scenic Riverways for the next 15 to 20 years; and

WHEREAS, tourism is one of the most critical components of our rural economy; and

WHEREAS, thousands of hikers, campers, boaters, hunters, fishermen, and horseback riders visit these areas annually generating irreplaceable tax revenue; and

WHEREAS, any further limitations on the access to these riverways would severely impact this local economy;

WHEREAS, the Missouri Conservation Commission is charged with the control, management, restoration, conservation, and regulation of bird, fish, game, forestry, and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations, and all other property owned, acquired, or used for such purposes; and

WHEREAS, in September of 2009, the Missouri Department of Conservation recommended that "hunting, fishing, and trapping continue to be allowed through the Ozark National Scenic Riverways except in highly developed areas where a reasonable safety zone for public protection may be required":

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Department of the Interior National Park Service to pursue one of the following three options in regard to the Ozark National Scenic Riverways:

1. Choose the "No-Action Alternative" option of the general management plan;
2. Enter into negotiations with the State of Missouri, Department of Conservation for the return of the Ozark National Scenic Riverways to the State of Missouri so that the land will continued to be used for its original and intended purpose; or
3. Enter into a contract with the State of Missouri, Department of Conservation for the management, operation, and maintenance of the Ozark National Scenic Riverways; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of the Interior, each member of the Missouri Congressional Delegation, the Director of the National Park Service, the Superintendent of the Ozark National Scenic Riverways, the Director of the Missouri Department of Conservation, and Governor Jay Nixon.

HOUSE CONCURRENT RESOLUTION NO. 11 [HCR 11]

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force of over 14% women who are currently serving on active duty, and nearly 17% serving in the Reserves and National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, and will comprise more than 10% of the veteran population; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs (VA) is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, and women are living longer than men and have a younger age distribution compared to male veterans; and

WHEREAS, even though the VA has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military today and returning from deployments as seasoned veterans, and some with exposure to combat, VA facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, they deserve to be acknowledge for their military service and treated with equal respect:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby encourages the Missouri Veterans Commission and its women veterans state coordinator to work in conjunction with the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the State of Missouri to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials may work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within this state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly formally honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Veterans Commission.

**HOUSE COMMITTEE SUBSTITUTE WITH HOUSE AMENDMENT 1
HOUSE CONCURRENT RESOLUTION NO. 13 [HCS HCR 13]**

WHEREAS, the state of Missouri has a long history of supporting the military in their mission to protect the American people; and

WHEREAS, Whiteman Air Force Base, home to the 442nd Fighter Wing, is dedicated to delivering dynamic air power for the United States and acting as both a powerful deterrent to enemies and as an assurance to American citizens and allies; and

WHEREAS, the 442nd Fighter Wing has a rich legacy of defending the United States and its allies through its involvement in World War II, the Cold War, Operation Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom; and

WHEREAS, the mission of the 442nd is to maintain and support the A-10 Thunderbolt II at the highest level of combat readiness; and

WHEREAS, the A-10 Thunderbolt II is the Air Force's only fighter plane designed for close-air support providing critical front-line support for American forces on the ground and conducting combat search and rescue missions; and

WHEREAS, the A-10 Thunderbolt II is vital to providing Missouri civilian and military jobs as the 442nd Fighter Wing is the largest tenant unit at Whiteman Air Force Base and has a payroll of around \$40 million dollars, a personnel force of 1,100 people, and an economic impact of millions of dollars in the local community; and

WHEREAS, newly proposed federal budget cuts for the Department of Defense would impact the 35th Combat Aviation Brigade, which has three units located in Missouri; and

WHEREAS, the 35th Combat Aviation Brigade includes the 1-135th Aviation Battalion, located at Whiteman Airforce Base, which conducts attack reconnaissance, security operations that compliment other maneuver forces, and has 24 AH-64 D Apache Longbow attack helicopters assigned to it; and

WHEREAS, the 35th Combat Aviation Brigade includes the 3-135th Aviation Battalion, located in Lebanon, Missouri, which provides mission command, administration, and logistics support; and

WHEREAS, the 35th Combat Aviation Brigade includes the 935th Aviation Support Battalion, located in Springfield and Warrensburg, Missouri, which provides maintenance, maneuver, signal, and logistics support; and

WHEREAS, the impact of the proposed budget cuts would result in a loss of over \$34 million dollars and over 400 military personnel:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the United States Air Force not to eliminate the A-10 Thunderbolt II aircraft fleet and strongly urge the United States Department of Defense to reconsider its proposed budget cuts to find a solution that fully takes into account national security needs as well as state domestic response obligations; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Secretary of Defense, the Secretary of the Air Force, and each member of Missouri's congressional delegation.

**HOUSE COMMITTEE SUBSTITUTE
HOUSE CONCURRENT RESOLUTION NO. 20 [HCS HCR 20]**

WHEREAS, the total economic impact of agricultural sectors in Missouri is over \$31.4 billion annually and contributes to our nation's robust agricultural tradition; and

WHEREAS, Missouri's production of corn, cotton, and soybeans alone is valued at more than \$3.7 billion per year, with nearly 80 percent of corn and cotton and 50 percent of soybeans exported annually; and

WHEREAS, these yields are threatened due to no less than six weed species having developed glyphosate resistance throughout important agricultural counties in the state; and

WHEREAS, without access to new modes of action, farmers soon will be forced to revert to outdated, costly, and environmentally unsustainable farming practices to manage weeds such as tillage and weeding by hand; and

WHEREAS, crops tolerant to 2,4-D and dicamba represent new technologies that will inhibit herbicide-resistant weeds from reducing crop yields in Missouri and allow farmers to employ ecological and economical farming practices; and

WHEREAS, these new seed technologies have been under review by the United States Department of Agriculture (USDA) and Environmental Protection Agency (EPA) for three to four years or more; and

WHEREAS, these delays by federal regulatory agencies put Missouri farmers at a competitive disadvantage in the global marketplace as Canada and Brazil have already approved some of these crops; and

WHEREAS, American farmers also must have access to these same tools to provide a livelihood to their families and ensure that Missouri remains a top agricultural producing state:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby request the United States Congress to urge the USDA and EPA to quickly approve 2,4-D and dicamba tolerant crops to allow Missouri farmers fair access to needed advancements in agriculture; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Majority and Minority Leaders of the United States Senate and the United States House of Representatives and each member of the Missouri Congressional delegation.

**HOUSE COMMITTEE SUBSTITUTE
HOUSE CONCURRENT RESOLUTION NO. 25 [HCS HCR 25]**

WHEREAS, oral health is a critical component of overall health affecting speech, nutrition, growth and function, social development, employability and productivity, and quality of life; and

WHEREAS, dental decay is the most common chronic disease among children - four times more common than asthma, four times more common than early-childhood obesity, and twenty times more common than diabetes; and

WHEREAS, untreated dental disease is linked to adverse health outcomes associated with diabetes, stroke, heart disease, bacterial pneumonia, pre-term and low birth weight deliveries, and in some instances, death; and

WHEREAS, students miss more than 51 million hours of school and employed adults lose more than 164 million hours of work each year due to dental disease or dental visits; and

WHEREAS, dental decay affects 18% of the nation's children aged 2-4, 52% of children aged 6-8, and 61% of teenagers age 15; and

WHEREAS, dental decay is one of the most prevalent health problems in Missouri with 55% of third grade children having experienced dental decay; and

WHEREAS, access to dental care is associated with higher utilization of preventive and restorative dental services; and

WHEREAS, the state has improved access for children enrolled in the MO HealthNet program, but more can be done for these low-income children who suffer more tooth decay than their higher-income peers; and

WHEREAS, Missouri residents deserve access to high quality oral health care:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby:

- (1) Recognize that good oral health is critical to good overall health;
 - (2) Support health policies at the state and local levels that are consistent and promote optimal oral health;
 - (3) Ensure oral health impact is a consideration in the development of state policy;
 - (4) Support the use of available local, state, and federal resources to monitor oral health status;
 - (5) Support community oral health initiatives aimed at improving oral health literacy and better health outcomes;
 - (6) Recognize the month of August as "Oral Health Awareness Month" to draw attention to ongoing efforts at the local, state, and federal levels to improve the oral health of all; and
- BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Dental Association.

HOUSE CONCURRENT RESOLUTION NO. 30 [HCR 30]

WHEREAS, domestically produced coal has been and continues to be used as a fuel to produce over 80% of the electricity generated by the state's investor-owned electric utilities, municipally owned utilities, and rural electric cooperatives; and

WHEREAS, the state's heavy reliance on coal as a fuel source for Missouri's base-load electric generation is due primarily to coal being abundant, available, reliable, and comparatively much less expensive than virtually all other available fuels; and

WHEREAS, on June 25, 2013, the President of the United States issued a memorandum to the Administrator of the United States Environmental Protection Agency directing the EPA to:

- (1) Move forward with a new proposal to implement national standards for carbon dioxide (CO₂) emissions from the new fossil fuel-fired electric power plants by issuing a proposed rule no later than September 20, 2013;
- (2) Use the EPA's authority under Sections 111(b) and 111(d) of the federal Clean Air Act to issue no later than June 1, 2014, standards, regulations, or guidelines that address carbon pollution from modified, reconstructed, and existing power plants; and

WHEREAS, the EPA already has issued its proposed rules and regulations for new fossil fuel-fired electric power plants and is expected to issue its proposed rules and regulations for existing fossil fuel-fired power plants by June 1, 2014, with implementation by June 2015; and

WHEREAS, the EPA's proposed regulations for new power plants would require all new coal-fired electric power plants to utilize carbon capture and storage (CCS) technology, otherwise known as "sequestration", to capture and store CO₂ underground in order to meet the EPA's new stringent emission limits, even though such sequestration technology is not yet economical or even widely commercially available; and

WHEREAS, according to the Congressional Budget Office, engineers have estimated this sequestration technology would increase the cost of producing electricity from new coal-fired electric power plants by 75%; and

WHEREAS, a significant amount of additional electricity, estimated to be approximately 30% or more and known in the industry as "parasite load", would have to be generated by the power plant solely for the purpose of operating such new sequestration technology, making such additional power unavailable for use but still paid for by Missouri's electric consumers; and

WHEREAS, even the EPA admits that "today's CCS technologies would add around 80% to the cost of electricity for a new pulverized coal (PC) plant"; and

WHEREAS, these regulations in practical effect will make it economically impossible to build new coal-fired electric power plants in the future in order to meet the future electric generation needs of Missourians; and

WHEREAS, these regulations will in effect completely remove coal as a domestic, abundant, reliable, and affordable fuel source for electric generation in the future; and

WHEREAS, a reliable, affordable energy supply is vital to the nation's future economic growth, security, and quality of life; and

WHEREAS, it should be clear public policy of the United States to pursue an "all of the above" approach by promoting, and not discouraging or eliminating, any one or more domestic potential fuel source for electric generation by new or existing power plants; and

WHEREAS, the EPA's proposed regulations for existing power plants, while not yet made public, can reasonably be expected to follow the approach taken by the EPA in its proposed rules for new plants, and in any event, certainly will be designed to drastically reduce CO2 emissions from existing coal-fired electric power plants; and

WHEREAS, stricter emission standards imposed by the EPA on Missouri's existing coal-fired electric power plants necessarily will translate into higher electric costs that necessarily must be paid for by all Missouri consumers, either directly in higher electric rates, or indirectly through higher costs for other goods and services; and

WHEREAS, higher electric rates translate into an economic competitive disadvantage for Missouri and added economic stress in an already struggling state economy; and

WHEREAS, electric rate increases in recent years continue to be a heavy burden for customers served by the state's investor-owned and municipally-owned electric utilities, especially low-income residential customers, small businesses, and large manufacturers who are struggling to survive in an increasingly competitive world market; and

WHEREAS, increasing costs for electricity will hit especially hard residential electric users living in rural Missouri who are served by Missouri's electric cooperatives where 50% of electric cooperative members are over 55 years old, 37% are retired or on a fixed income, 40% have gross household incomes of less than \$50,000 per year, and 16% make less than \$25,000 per year; and

WHEREAS, approximately 40 million American families nationally earn less than \$30,000 per year and spend almost 20% of their budgets on energy costs; and

WHEREAS, Missouri currently enjoys some of the lowest electric rates in the nation due to its reliance on coal-fired electric generation while other states that do not rely on coal have some of the highest electric rates; and

WHEREAS, many states have implemented mandatory or voluntary renewable portfolio/energy standards, implemented energy efficient or peak load reduction programs, experienced significant retirements of coal-based generating plants, or mandated emission reduction programs - all of which have already contributed to a reduction in greenhouse gas emissions; and

WHEREAS, each state has different needs and should be permitted to primarily rely on its own state utility and environmental regulators to craft and implement emission performance systems that reflect the policies, energy needs, fuel resource mix, and unique economic considerations of each state and region:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the Environmental Protection Agency to use some basic common sense and reject any federal fossil fuel emission rules or regulations that would have the practical effect of removing coal as a viable fuel option for both new and existing electric generation in the State of Missouri and elsewhere, and to adopt only such rules and regulations that allow state utility and environmental regulators maximum flexibility and discretion in implementing the same; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Gina McCarthy, Administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.

**HOUSE COMMITTEE SUBSTITUTE
HOUSE CONCURRENT RESOLUTION NO. 38 [HCS HCR 38]**

WHEREAS, the United States Environmental Protection Agency (EPA) is overstepping its jurisdictional boundaries regarding the regulation of water quality and the use of coal and wood as energy sources in Missouri; and

WHEREAS, the EPA refuses to allow the practice of blending as related to municipal waste water treatment plants in 55 of Missouri's municipalities, which is estimated to cost our state \$650 to \$700 million dollars; and

WHEREAS, on August 22, 2013, the EPA finalized water quality criteria for ammonia as a result of toxicity studies of mussels; and

WHEREAS, only 2 of the 69 species of mussels in Missouri would be affected by the new criteria, yet the EPA forces the extreme ammonia standards on the state anyway; and

WHEREAS, nearly all discharging domestic waste water treatment facilities as well as certain industrial and storm water dischargers with ammonia in their effluent cannot meet the new ammonia standards with current, reasonably priced technology; and

WHEREAS, the estimated cost to Missourians to comply with the new ammonia standards is \$1 billion dollars; and

WHEREAS, a reliable, affordable energy supply is vital to the nation's future economic growth, security, and quality of life; and

WHEREAS, domestically produced coal has been and continues to be used as a fuel to produce over 80 percent of the electricity generated by the state's investor-owned electric utilities, municipally owned utilities, and rural electric cooperatives; and

WHEREAS, the state's heavy reliance on coal as a fuel source for Missouri's base-load electric generation is due primarily to coal being abundant, available, reliable, and comparatively much less expensive than virtually all other available fuels; and

WHEREAS, the EPA has issued proposed rules and regulations for new fossil fuel-fired power plants and is expected to issue its proposed rules and regulations for existing fossil fuel-fired power plants by June 1, 2014, with implementation by June 2015; and

WHEREAS, the EPA's proposed regulations for new power plants would require all new coal-fired power plants to utilize carbon capture and storage (CCS) technology, otherwise known as "sequestration", to capture and store carbon dioxide underground in order to meet the EPA's new stringent emission limits, even though such sequestration technology is not yet economical or even widely commercially available; and

WHEREAS, stricter emission standards imposed by the EPA on Missouri's coal-fired electric power plants will translate into higher electric costs that necessarily must be paid for by all Missouri consumers, either directly in higher electric rates or indirectly through higher costs for other goods and services; and

WHEREAS, the recent spike in propane gas prices should remind us that we need to safeguard our readily available and cost-effective resources; and

WHEREAS, the use of other forms of renewable energy should be encouraged, but not demanded and not by eliminating proven, time-tested resources; and

WHEREAS, the EPA is also proposing new source performance standards for residential wood heaters by reducing maximum fine particulate emissions from 15 micrograms per cubic meter of air to 12 micrograms per cubic meter of air; and

WHEREAS, the proposed new source performance standards would apply to new wood stoves and other wood heaters, requiring manufacturers, many of which are small businesses, to implement costly changes to their manufacturing process and products; and

WHEREAS, most wood stoves and other wood heaters are sold for use in rural, cold climate areas where wood is readily available and the consumption of wood for residential purposes is highest in the Midwest; and

WHEREAS, over 97,000 homes in Missouri used wood as their home heating fuel in 2012; and

WHEREAS, wood is the most accessible and affordable renewable energy resource for home heating; and

WHEREAS, the net carbon dioxide emissions from wood are far below those of all other fuels; and

WHEREAS, wood heating strengthens local economies, including providing jobs and incomes, since wood can be purchased locally and the money stays in the community versus purchasing natural gas or petroleum fuels from outside the community; and

WHEREAS, the cost of a new wood stove or other wood heater, which would meet the EPA's proposed new source performance standards, would be cost-prohibitive for many rural Missourians who rely on wood stoves as their residential heating source; and

WHEREAS, each state has different resources and needs and should be permitted the maximum flexibility and discretion in implementing policies and regulations regarding its natural resources:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Congress to decrease the EPA's authority to regulate water quality and the use of coal and wood as energy sources; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, the Administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.

**HOUSE COMMITTEE SUBSTITUTE
HOUSE CONCURRENT RESOLUTION NO. 45 [HCS HCR 45]**

WHEREAS, the Joint Interim Committee on State Employee Wages was established under HCR 32 by the Ninety-Sixth General Assembly, First Regular Session, and was reauthorized under HCR 33 by the Ninety-Sixth General Assembly, Second Regular Session, and was charged with studying and developing strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with its peer states in regard to state employee wages; and

WHEREAS, Missouri state employees are ranked 50th out of 50 states for the wages paid to state employees; and

WHEREAS, Missouri state employees provide excellent service to Missourians; and

WHEREAS, Missouri state employees have had to do more with less resources for the past several years; and

WHEREAS, Missouri state employee salary increases have not kept pace with inflation; and

WHEREAS, Missouri state employee insurance costs have steadily increased; and

WHEREAS, the Missouri state employees deferred compensation state match of state employee contributions made up to \$35 has not been funded for several years; and

WHEREAS, new Missouri state employees who are first employed by the state after January 1, 2011, are required to contribute 4 percent of their pay to their retirement plan; and

WHEREAS, the State of Missouri does not have comprehensive data on state employee compensation or total compensation; and

WHEREAS, the State of Missouri does not have a long-term or strategic plan for increasing the wages of state employees; and

WHEREAS, the State of Kansas undertook a similar initiative and has learned many lessons that could benefit the State of Missouri; and

WHEREAS, the three poorest states in the nation - West Virginia, Mississippi, and Arkansas - all rank ahead of Missouri in state employee annual compensation:

NOW, THEREFORE, BE IT RESOLVED, that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby re-authorize the "Joint Interim Committee on State Employee Wages" to function in the legislative interims and during regular legislative sessions upon approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate through December 31, 2016, upon passage and approval of this resolution for the purpose of further study and development of strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with its peer states in regard to state employee wages; and

BE IT FURTHER RESOLVED, that upon re-establishment, the Joint Interim Committee shall:

(1) Devise a focused and concise mission statement to guide actions of the Joint Interim Committee;

(2) Request the State Office of Administration to invest in a consultant to conduct salary and total compensation surveys to comprehensively review and analyze the state classification and compensation structures, similar to what other states have done;

(3) Request the State Office of Administration, with the advice and consent of the Joint Interim Committee, to use the data from the comprehensive study to produce a long-term

strategic plan for increasing state employee wages and to present such plan to the Governor, the House Budget Committee, and the Senate Appropriations Committee by January 31, 2017; and

(4) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED, that the Joint Interim Committee be composed of the following members:

(1) Two majority party members and one minority party member of the House of Representatives to be appointed by the Speaker and Minority Leader of the House;

(2) Two majority party members and one minority party member of the Senate to be appointed by the President Pro Tem and Minority Leader of the Senate;

(3) One representative from the Governor's Office;

(4) One representative from the State Personnel Advisory Board; and

(5) Two members of the public, with one to be appointed by the Speaker of the House and one to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED, that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant and the general public; and

BE IT FURTHER RESOLVED, that the staff of House Appropriations, Senate Appropriations, House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Senate's Joint Contingent Expenses appropriation.

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SENATE CONCURRENT RESOLUTION NO. 17 [SCR 17]

WHEREAS, the Joint Committee on Solid Waste Management District Operations was established pursuant to Truly Agreed To and Finally Passed Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 28 during the First Regular Session of the Ninety-seventh General Assembly; and

WHEREAS, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 28 established the Joint Committee on Solid Waste Management District Operations to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers; and

WHEREAS, the Joint Committee on Solid Waste Management District Operations heard testimony from the Department of Natural Resources, the Environmental Improvement and Energy Resources Authority, individuals, business owners, and various interested parties during September and November 2013; and

WHEREAS, after review and consideration of the testimony presented, the Joint Committee on Solid Waste Management District Operations issued a report to the General Assembly at which point it dissolved; and

WHEREAS, the Report of the Joint Committee on Solid Waste Management District Operations made eight recommendations on how to improve the efficiency, efficacy, and reasonableness of costs and expenses of Solid Waste Management Districts to Missouri taxpayers; and

WHEREAS, the Report of the Joint Committee on Solid Waste Management District Operations recommendations can best be accomplished by the continued cooperation among the Joint Committee, the Department of Natural Resources, the Environmental Improvement and Energy Resources Authority, individuals, business owners, and various interested parties:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Committee on Solid Waste Management District Operations"; and

BE IT FURTHER RESOLVED that the Joint Committee on Solid Waste Management District Operations shall be composed of five members of the Senate, with no more than three members of one party, and five members of the House of Representatives, with no more than three members of one party. The Senate members of the Joint Committee shall be appointed by the President pro tempore of the Senate and the House members by the Speaker of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate; and

BE IT FURTHER RESOLVED that the Joint Committee shall examine solid waste management district operations, including but not limited to the following recommendations of the Joint Committee:

1. Requesting from all Solid Waste Management Districts a detailed list of district operations costs. Using the information from this request, the legislature should consider defining district operations costs;

2. Streamlining the number of audits required for the Solid Waste Management Districts;

3. Streamlining the number of grant administration and application reports required from the Solid Waste Management Districts to the Department of Natural Resources, and fund a grant to make all grant administration and application reports required by the Department of Natural Resources electronic and accessible in an on-line format;

4. Implementing solid waste diversion goals for each district, and then targeting grant funding in specific areas to help meet those goals;

5. Defining what Solid Waste Management Districts can and cannot do to compete with private industry solid waste services;

6. Streamlining the grant application process so that grant applications are all due at the same time every year;

7. Requiring that all grant recipients and all Solid Waste Management District board members sign a conflict of interest statement;

8. Establishing a new committee composed of two members from the House of Representatives, one Democrat and one Republican, two members of the Senate, one Democrat and one Republican, the Solid Waste Management District chair from every Solid Waste Management District or his or her designee, one administrative employee from every Solid Waste Management District, representatives from the Department of Natural Resources, and representatives from the Environmental Improvement and Energy Resources Authority that meets once annually to facilitate good communication; and

BE IT FURTHER RESOLVED that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate and the Committee on Legislative Research, as well as the Department of Natural Resources and representatives of solid waste management districts; and

BE IT FURTHER RESOLVED that the Joint Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2014, at which time the Joint Committee shall be dissolved; and

BE IT FURTHER RESOLVED that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

BE IT FURTHER RESOLVED that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingency Fund; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-seventh General Assembly and the First Regular Session of the Ninety-eighth General Assembly through December 31, 2014, as authorized by *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957).

SENATE CONCURRENT RESOLUTION NO. 19 [SCR 19]

WHEREAS, the easily extracted, high purity lead ore in Missouri was a critical reason for the early development of Missouri and has provided good jobs, a way of life, and significant economic development to Missourians for centuries; and

WHEREAS, the lead industry in Missouri is the only primary, domestic source for that strategic material in America; and

WHEREAS, new technology now makes production of primary lead metal a safe, cost effective, and valuable means of continuing to provide a strategic material for numerous uses including munitions, protective barriers for x-rays, radioactive fallout, and radioactive contamination, and batteries for numerous uses including cars, trucks, electric vehicles, renewable energy storage, and peaking power reduction; and

WHEREAS, encouraging a safe, healthy, and lucrative lead industry in Missouri will give rise to good paying jobs, significant economic development, and the resources to mitigate the legacy of environmental issues caused by lead extraction:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the Missouri Lead Industry Employment, Economic Development and Environmental Remediation Task Force; and

BE IT FURTHER RESOLVED that the mission of the task force shall be to fully consider and make recommendations in a report to the General Assembly on:

(1) The effects of a prompt environmental settlement giving rise to efficient and cost effective remediation;

(2) Ways to promote the development of a clean lead industry;

(3) Clean lead industry legislative proposals including rules and regulations necessary for implementation;

(4) The economic potential of implementing clean lead industry policies; and

BE IT FURTHER RESOLVED that the task force be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the task force shall consist of all of the following members:

(1) The Governor, or his or her designee, to serve as a member of the task force; and

(2) One member of the general assembly of the majority party appointed by the president pro tem of the senate, to serve as the chair of the task force; and

(3) One member of the general assembly of the majority party appointed by the speaker of the house of representatives, to serve as the vice-chair and secretary of the task force, and who will provide an agenda and report minutes of the task force; and

(4) The Attorney General, or his or her designee, to serve as a member and provide technical assistance to the task force; and

(5) The Director of the Department of Natural Resources, or his or her designee, to serve as a member and provide technical assistance to the task force; and

(6) One member of the majority party of the senate and one member of the minority party of the senate appointed by the president pro tempore of the senate; and

(7) One member of the majority party of the house of representatives and one member of the minority party of the house of representatives appointed by the speaker of the house of representatives; and

(8) A representative of industry appointed by the president pro tem of the senate; and

(9) A representative of industry appointed by the speaker of the house of representatives; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the task force, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee; and

BE IT FURTHER RESOLVED that the chair or vice-chair and secretary of the task force shall call an organizational meeting within fifteen days of the adoption of this resolution; and

BE IT FURTHER RESOLVED that the task force shall terminate by either a majority of members voting for termination, or by December 31, 2014, whichever occurs first; and

BE IT FURTHER RESOLVED that on the date of termination, the task force may deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, Attorney General Chris Koster, and the Director of the Department of Natural Resources.

SENATE SUBSTITUTE

SENATE CONCURRENT RESOLUTION NO. 22 [SS SCR 22]

WHEREAS, in 1959, Senate Resolution No. 33 and House Resolution No. 19, recognizing the importance of the extraordinary manifestations of nature and recreational attributes of the Current and Jacks Fork Riverways, requested Congress to enact legislation to preserve the natural resources and provide recreational development and other improvements for the public use; and

WHEREAS, in 1964, Congress answered Missouri's request by enacting legislation to establish the Ozark National Scenic Riverways; and

WHEREAS, the riverways within the Ozark National Scenic Riverways are, and remain, public highways of the State of Missouri, subject to concurrent jurisdiction between the State of Missouri and the United States under Missouri Senate Bill No. 362 enacted in 1971; and

WHEREAS, in 2005, the National Park Service began researching for the purpose of drafting a new general management plan for the Ozark National Scenic Riverways; and

WHEREAS, the National Park Service is advocating the "Preferred Alternative" option of the general management plan; and

WHEREAS, the goal of the "Preferred Alternative" option of the general management plan is to shut down public access points to riverways, eliminate motorized boat traffic from certain areas, further restrict boat motor horsepower in other areas, close several gravel bars, and propose that additional areas be designated as federal wilderness; and

WHEREAS, the "No-Action Alternative" option of the general management plan is an appropriate balance between resource preservation and opportunities for recreational use; and

WHEREAS, the general management plan will guide decisions related to the Ozark National Scenic Riverways for the next 15 to 20 years; and

WHEREAS, tourism is one of the most critical components of our rural economy; and

WHEREAS, thousands of hikers, campers, boaters, hunters, fishermen, and horseback riders visit these areas annually generating irreplaceable tax revenue; and

WHEREAS, any further limitations on the access to these riverways would severely impact this local economy;

WHEREAS, the Missouri Conservation Commission is charged with the control, management, restoration, conservation, and regulation of bird, fish, game, forestry, and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations, and all other property owned, acquired, or used for such purposes; and

WHEREAS, in September of 2009, the Missouri Department of Conservation recommended that "hunting, fishing, and trapping continue to be allowed through the Ozark National Scenic Riverways except in highly developed areas where a reasonable safety zone for public protection may be required":

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Department of the Interior National Park Service to pursue one of the following three options in regard to the Ozark National Scenic Riverways:

1. Choose the "No-Action Alternative" option of the general management plan;
2. Enter into negotiations with the State of Missouri, Department of Conservation for the return of the Ozark National Scenic Riverways to the State of Missouri so that the land will continued to be used for its original and intended purpose; or
3. Enter into a contract with the State of Missouri, Department of Conservation for the management, operation, and maintenance of the Ozark National Scenic Riverways; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of the Interior, each member of the Missouri Congressional Delegation, the Director of the National Park Service, the Superintendent of the Ozark National Scenic Riverways, the Director of the Missouri Department of Conservation, and Governor Jay Nixon.

SENATE CONCURRENT RESOLUTION NO. 29 [SCR 29]

WHEREAS, in Missouri, children between 17 and 18 years of age are considered adults and no longer fall under the jurisdiction of juvenile courts and children as young as 12 years of age can be certified as adults and tried in adult court rather than in juvenile court; and

WHEREAS, according to the Division of Youth Services(DYS),in Fiscal Year 2013, 919 youth were committed to the DYS and of all the youth receiving DYS educational services in FY 2013, 22% were identified as having an educational disability, 43% had a history of prior mental health services; 54% had a history of prior substance abuse involvement; 12% were committed for the most serious felonies; 38% were committed for less serious offenses and 12% were committed for juvenile offenses; and

WHEREAS, although the DYS has been lauded across the country as a successful model for other states to follow, it is imperative that Missouri address the issue of treating youth in the adult criminal system and consider the benefits to the youth, the youth's family, society and to this state by retaining youth under juvenile justice jurisdiction:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the Juvenile Justice Task Force; and

BE IT FURTHER RESOLVED that the mission of the task force shall be to fully consider and make recommendations in a report to the General Assembly on:

- (1) Raising the age of juvenile court jurisdiction to age eighteen;
- (2) Removing juveniles from adult jails pre-trial;
- (3) Revising the age of certification to adult court;
- (4) Current laws relating to the jurisdiction of the juvenile court;
- (5) Current research on best practices for handling offenses committed by youth in the court system;

- (6) The benefits of retaining youth under juvenile justice jurisdiction in this state;
- (7) Methods to reduce the number of youth in adult detention centers and prisons; and
- (8) The long-term fiscal impact of treating youth in the adult criminal system; and

BE IT FURTHER RESOLVED that the task force shall consist of the following members:

- (1) Two members of the Senate, one appointed by the President Pro Tempore of the Senate and one by the Minority Leader of the Senate;

- (2) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives;

- (3) The State Courts Administrator or his or her designee;

- (4) The Director of the Division of Youth Services or his or her designee;

- (5) The Director of the Children's Division or his or her designee;

- (6) The Chair of the State Juvenile Justice Advisory group;

- (7) The Director of the Office of Public Defender or his or her designee;

- (8) The Director of the Office of Prosecution Services, or his or her designee;

- (9) One representative from the advocacy community who has organized to advocate for juvenile justice policy reform on the state and federal level, appointed by the President Pro Tempore of the Senate;

- (10) One representative from a state coalition in existence for more than 30 years which has been advocating for Missouri's at-risk, abused and neglected children and the people who care for them, appointed by the Speaker of the House of Representatives;

- (11) One representative from the juvenile and family courts appointed by the President Pro Tempore of the Senate;

- (12) One mental health provider specializing in adolescent and mental health, appointed by the Speaker of the House of Representatives;

- (13) An ex-offender who was charged as an adult for an offense committed as a juvenile appointed by the President Pro Tempore of the Senate;

- (14) One at-large public member appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Task Force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Task Force, its members, and any staff assigned to the Task Force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Task Force or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Task Force shall meet within two months from adoption of this resolution and will report its recommendations and findings to the Missouri General Assembly by January 1, 2015 and shall terminate on January 1, 2015; and

BE IT FURTHER RESOLVED that the Juvenile Justice Task Force is authorized to function during the legislative interim between the Second Regular Session of the Ninety-seventh General Assembly and the First Regular Session of the Ninety-eighth General Assembly through January 1, 2015, as authorized by *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Office of the State Courts Administrator and the Director of the Department of Social Services.

SENATE CONCURRENT RESOLUTION NO. 31 [SCR 31]

WHEREAS, insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

WHEREAS, the terrorist attack of September 11, 2001, produced injured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling some \$32.5 billion, making this the second most costly insurance event in United States history; and

WHEREAS, the sheer enormity of the terrorist induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets causing insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

WHEREAS, the lack of terrorism risk insurance contributed to a paralysis in the economy, especially in construction, tourism, business travel, and real estate finance; and

WHEREAS, the United States Congress originally passed the Terrorism Risk Insurance Act of 2002, Pub. L. 107-297 (TRIA), in which the federal government agreed to provide terrorism reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005, Pub. L. 109-144, and the Terrorism Risk Insurance Program Reauthorization Act of 2007, Pub. L. 110-160 (TRIPRA); and

WHEREAS, under TRIPRA the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events exceed one hundred million dollars; and

WHEREAS, coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to twenty percent of the insurer's previous year earned premium for property-casualty lines; and

WHEREAS, after an individual insurer has reached such a threshold, the insurer pays fifteen percent of residual losses and the federal government pays the remaining eighty-five percent; and

WHEREAS, the Terrorism Risk Insurance Program has an annual cap of one hundred billion dollars of aggregate insured losses, beyond which the federal program does not provide coverage; and

WHEREAS, TRIPRA requires the federal government to recoup one hundred percent of the benefits provided under the program via policy holder surcharges to the extent the aggregate insured losses are less than twenty-seven billion five hundred million dollars and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

WHEREAS, without question, TRIA and its successors are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

WHEREAS, the presence of a robust private/public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

WHEREAS, without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to get insurance or unable to afford the limited coverage that would be available; and

WHEREAS, without federally provided reinsurance, property and casualty insurers will face less availability of terrorism reinsurance and will therefore be severely restricted in their ability to provide sufficient coverage for acts of terrorism to support our economy; and

WHEREAS, unfortunately, despite the hard work and dedication of this nation's counter terrorism agencies and the bravery of the men and women in uniform who fought and continue to fight battles abroad to keep us safe here at home, the threat from terrorist attacks in the United States is both real and substantial and will remain as such for the foreseeable future:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress and the President of the United States to reauthorize the Terrorism Risk Insurance Program; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 32 [SCR 32]

WHEREAS, the members of the Missouri Senate are fully cognizant of the many facets and aspects relating to public health; and

WHEREAS, stroke is a prevalent cardiovascular disease that imposes a tremendous cost to victims and their families, the health care system, and society at large; and

WHEREAS, stroke is the fourth leading cause of death as well as a leading cause of long-term disability in the United States, killing more than 134,000 people nationwide and more than 3,200 people in Missouri each year; and

WHEREAS, in 2010, the total cost of cardiovascular diseases in the United States was estimated to be \$444 billion, with treatment of these diseases accounting for about \$1 of every \$6 spent on health care in this country; and

WHEREAS, as the American population ages, it is likely that the economic impact of cardiovascular diseases on our nation's health care system will become even greater; and

WHEREAS, Americans are more aware of the risk factors and warning signs for stroke than in the past, but one-third of adults cannot identify any symptoms; and

WHEREAS, there are two types of atrial fibrillation (irregular heartbeat), "non-valvular atrial fibrillation" and "valvular atrial fibrillation"; and

WHEREAS, non-valvular atrial fibrillation accounts for approximately 95% of all atrial fibrillation, and it is estimated to affect 5.8 million people in the United States, who have five times greater risk of stroke; and

WHEREAS, non-valvular atrial fibrillation alone is estimated to cost \$6.65 billion per year, with nearly 75% of the costs directly and indirectly associated with hospitalization; and

WHEREAS, while new and effective treatments have developed to treat and minimize the severity and damaging effects of strokes, much more research is needed; and

WHEREAS, May is recognized nationwide as Stroke Awareness Month:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby join with national state stroke awareness and prevention organizations in encouraging all Missouri citizens to engage in appropriate programs, activities, and events in observance of Stroke Awareness Month; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Department of Health and Senior Services.

SENATE CONCURRENT RESOLUTION NO. 34 [SCR 34]

WHEREAS, the Kansas City Chiefs football team was founded by Lamar Hunt; and

WHEREAS, Lamar Hunt brought together the original eight AFL team owners in 1960 to establish the American Football League and in 1966 was the lead negotiator during the merger of the NFL and the AFL; and

WHEREAS, Lamar Hunt is undoubtedly one of the most influential figures in NFL history, designed current playoff systems, introduced the 2-point conversion rule, introduced the idea for the name "Super Bowl", is the namesake of the AFL championship "Lamar Hunt Trophy", and dreamed of hosting the Super Bowl in Kansas City; and

WHEREAS, NFL Commissioner Roger Goodell recently stated, "I believe we need to get to as many communities as possible and give them the opportunity to share in not only the emotional benefits but also the economic benefits. It helps the NFL, it helps our fans and it helps grow our game."; and

WHEREAS, Arrowhead Stadium has been the Kansas City Chiefs home since 1972 and is the 5th largest stadium in the NFL; and

WHEREAS, Arrowhead Stadium has a capacity of 76,416, is larger than the Super Dome in New Orleans which has hosted seven Super Bowls, and has larger stadium seating than all three upcoming Super Bowl hosts including Phoenix in 2015, San Francisco in 2016, and Houston in 2017; and

WHEREAS, Arrowhead Stadium underwent a \$350 million renovation, completed in mid-2010, which included new luxury boxes, wider concourses and enhanced amenities; and

WHEREAS, no Super Bowl has ever been held in the Midwest, indeed the closest cities to Kansas City to host a Super Bowl are Minneapolis, Indianapolis and Dallas:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives

concurring therein, hereby urge the National Football League to name Kansas City as the host of an upcoming Super Bowl; and

BE IT FURTHER RESOLVED that the Department of Economic Development is urged to establish a task force to examine what measures need to be taken in order to bring the Super Bowl to Kansas City, including utilization of any existing economic or other incentives in current state law as well as any proposals for changes needed in state law to bring the Super Bowl to Kansas City, while also developing a plan for highlighting the viability of Kansas City as a site for the Super Bowl; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the director of the Department of Economic Development.

SENATE SUBSTITUTE

SENATE CONCURRENT RESOLUTION NO. 36 [SS SCR 36]

WHEREAS, Multiple Sclerosis (MS) is a chronic central nervous system, which is comprised of the brain, spinal cord, and optic nerves. MS damages the nerve-insulating myelin sheath that surrounds and protects the brain. The damage to the myelin sheath slows down or blocks messages between the brain and the body; and

WHEREAS, the cause of MS remains unknown; however, having a first-degree relative, such as a parent or sibling, with MS significantly increases a person's risk of developing the disease. According to the National Institute of Neurological Disorders and Stroke, it is estimated that there are approximately 250,000 to 350,000 persons in the United States who are diagnosed with MS. This estimate suggests that approximately 200 new cases are diagnosed each week; and

WHEREAS, it is in the public interest for the state to establish a Multiple Sclerosis Task Force in order to identify and address the unmet needs of persons with MS, and develop ways to enhance their quality of life:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the Missouri Multiple Sclerosis Task Force; and

BE IT FURTHER RESOLVED that the mission of the Task Force shall be to fully consider and make recommendations in a report to the General Assembly on:

(1) Developing strategies to identify and address the unmet needs of persons with MS in order to enhance the quality of life of persons with MS by maximizing productivity and independence, and addressing the emotional, social, and vocational challenges of persons with MS; and

(2) Developing strategies to provide persons with MS greater access to various treatments and other therapeutic options that may be available; and

BE IT FURTHER RESOLVED that the Task Force shall consist of the following members:

(1) Two members of the Senate, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Minority Leader of the Senate;

(2) Two members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Minority Leader of the House of Representatives;

(3) The Director of the Department of Health and Senior Services, or his or her designee, to serve as a member and provide technical assistance to the task force;

(4) Two neurologists licensed to practice in this state, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services;

(5) Two Missouri regional members of a national organization with experience in helping people affected by MS through funding cutting-edge research, driving change through advocacy, facilitating professional education and providing programs and services that help people and the families living with MS, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services;

(6) Two persons who represent agencies that provide services or supports to individuals with MS in this state, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services;

(7) Two persons who have MS, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Task Force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Task Force will report its recommendations and findings to the Missouri General Assembly by January 1, 2015; and

BE IT FURTHER RESOLVED that the Task Force shall terminate by either a majority of members voting for termination, or by January 1, 2015, whichever occurs first; and

BE IT FURTHER RESOLVED that the Multiple Sclerosis Task Force is authorized to function during the legislative interim between the Second Regular Session of the Ninety-seventh General Assembly and the First Regular Session of the Ninety-eighth General Assembly through January 1, 2015, as authorized by *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Director of the Department of Health and Senior Services.

SENATE CONCURRENT RESOLUTION NO. 43 [SCR 43]

WHEREAS, on August 7, 1964, the United States Congress passed the Gulf of Tonkin Resolution authorizing the President to take any measures necessary to defend United States forces and promote the maintenance of international peace and security in Southeast Asia; and

WHEREAS, between 1965 and 1969 American troops strength in Vietnam rose from 60,000 to over 543,000, with approximately a total of 2,700,000 American men and women serving in Vietnam by the end of the war; and

WHEREAS, the United States suffered casualties of over 58,000 men and women, with 1,410 of those soldiers killed being Missouri citizens who sacrificed their lives in some of the most horrific conditions in the history of warfare; and

WHEREAS, the people of Missouri wish to properly honor and thank Vietnam War Veterans and their families for their sacrifice and bravery; and

WHEREAS, war memorials are important reminders that freedom is not free and the soon to be constructed Vietnam Veterans Memorial located on the College of the Ozarks Campus will be dedicated to perpetuate the appreciation and legacy of Vietnam War Veterans present and past; and

WHEREAS, Branson, Missouri is known by many as the "Veterans Capital of the Nation" hosting America's largest Veterans Day celebration every year, as well as the Vietnam Veterans "Welcome Home Celebration," and Branson is home to the Veterans Memorial Museum; and

WHEREAS, the College of the Ozarks, located only a few miles from Branson, has pledged to fully fund the construction of the Vietnam Veterans Memorial designed by the College's Graphic Design Class; and

WHEREAS, it is appropriate to honor the Vietnam War Veterans from the state of Missouri by recognizing the Vietnam Veterans Memorial, which is to be constructed on the College of the Ozarks Campus, as the official Vietnam War Memorial of the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize the Vietnam Veterans Memorial which is to be constructed on the College of the Ozarks Campus in Point Lookout, Missouri as the official Vietnam War Memorial of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the College of the Ozarks and the Vietnam Veterans Chapter 913 in Branson, Missouri.

ABORTION

- HB 1132 Modifies provisions relating to certain benevolent tax credits (OVERRIDDEN)
HB 1307 Amends the current waiting period for having an abortion from 24 hours to 72 hours (OVERRIDDEN)

ADMINISTRATION, OFFICE OF

- SB 701 Modifies provisions relating to school superintendents, school accountability report cards, career and technical education, and creates the Farm-to-School Program
HB 1359 Authorizes the Missouri State Capitol Commission and the Office of Administration to enter into contracts for events held at the State Capitol and the Missouri State Penitentiary historic site (VETOED)

ADMINISTRATIVE LAW

- SB 504 Requires state agencies to post proposed rules, summaries, and fiscal notes on their websites
HB 1201 Modifies provisions relating to proposed surface mining operations
HB 1231 Modifies various provisions of law relating to the administration of justice

ADMINISTRATIVE RULES

- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly

AGRICULTURE AND ANIMALS

- SB 506 Modifies provisions relating to agriculture (VETOED)
SB 727 Modifies provisions relating to farmers' market and SNAP benefits (OVERRIDDEN)
HB 1326 Modifies provisions relating to agriculture (VETOED)
HB 1506 Provides that the Department of Economic Development shall disburse development grants to rural regional development groups

AGRICULTURE DEPARTMENT

- SB 506 Modifies provisions relating to agriculture (VETOED)
SB 701 Modifies provisions relating to school superintendents, school accountability report cards, career and technical education, and creates the Farm-to-School Program
HB 1326 Modifies provisions relating to agriculture (VETOED)
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

AIRCRAFT AND AIRPORTS

- SB 818 Expands allowable uses for aviation trust fund moneys and modifies requirements for specified limited uses
HB 2029 Extends a sales tax exemption for replacement parts to aircraft

ALCOHOL

- HB 1304 Modifies provisions relating to homebrewers and packaging requirements for malt liquor

APPROPRIATIONS

- SB 506 Modifies provisions relating to agriculture (VETOED)
HJR 72 Proposes a constitutional amendment prohibiting the Governor from reducing any payment of public debt and requiring notification to the General Assembly when he or she makes specified payment changes of appropriations
- HB 1326 Modifies provisions relating to agriculture (VETOED)
HB 1506 Provides that the Department of Economic Development shall disburse development grants to rural regional development groups
- HB 2001 Appropriates money to the Board of Fund Commissioners
HB 2002 Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education
HB 2003 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education
HB 2004 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation
HB 2005 Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety
HB 2006 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation
HB 2007 Appropriates money for the expenses and distributions of the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations
HB 2008 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
HB 2009 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections
HB 2010 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services
HB 2011 Appropriates money for the expenses, grants, and distributions of the Department of Social Services
HB 2012 Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly
HB 2013 Appropriates money for real property leases and related services
HB 2014 Appropriates money for supplemental purposes
HB 2021 Appropriates money for purposes for the several departments and offices of state government for planning and capital improvements

ARCHITECTS

- SB 809 Modifies provisions of law regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects
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ARTS AND HUMANITIES

- SB 612 Modifies provisions relating to taxation (VETOED)
HB 1237 Extends allocation of tax revenues from the nonresident entertainers and athletes until December 31, 2020

ATTORNEY GENERAL, STATE

- SB 706 Prohibits bad faith assertions of patent infringement
HB 1085 Modifies provisions relating to the disclosure and release of public library records
HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

ATTORNEYS

- SB 606 Repeals a statute that requires certain persons to be licensed as an insurance agent
SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
HB 1231 Modifies various provisions of law relating to the administration of justice

AUDITOR, STATE

- HB 1261 Changes the laws regarding audits for transportation development districts (VETOED)

BANKS AND FINANCIAL INSTITUTIONS

- SB 794 Allows certain financial institutions to transfer fiduciary obligations and modifies the law relating to insurance producers and holding companies
SB 866 Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans (OVERRIDDEN)
HB 1270 Modifies provisions relating to credit card processing services
HB 1376 Modifies portions of the Uniform Commercial Code relating to secured transactions

BOARDS, COMMISSIONS, COMMITTEES, COUNCILS

- SB 492 Modifies provisions relating to the authorization for funding and administrative processes in higher education
SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
SB 575 Modifies and repeals a number of existing, expired or obsolete committees as well as creating the new Joint Committee on Judiciary and Justice (VETOED)
SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
SB 664 Modifies provisions relating to natural resources
SB 690 Specifies that a Greene County emergency telephone service board is not a political subdivision unless the county commissioners adopt an order reclassifying the board as such
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**BOARDS, COMMISSIONS, COMMITTEES, COUNCILS,
CONTINUED**

- SB 701 Modifies provisions relating to school superintendents, school accountability report cards, career and technical education, and creates the Farm-to-School Program
- SB 719 Modifies the laws relating to school purchases
- SB 734 Allows members of electric cooperatives to participate in certain meetings by mail or electronic means
- SB 782 Allows an individual with certification from the American Board for Certification of Teacher Excellence to obtain teacher certification in elementary education
- SB 808 Modifies provisions of law relating to the licensure and scope of practice for certain professions
- SB 809 Modifies provisions of law regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects
- SB 907 Allows the Carthage School District to transfer unrestricted funds from the incidental to the capital projects funds in the 2014-2015 school year to complete student safety-related projects
- HB 1206 Removes the expiration date on the authority of certain public higher education institutions to transfer real property, except in fee simple, without General Assembly authorization
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1300 Allows fire protection district board of directors to meet without public notice in order to disburse funds necessary for the deployment of certain task forces
- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
- HB 1359 Authorizes the Missouri State Capitol Commission and the Office of Administration to enter into contracts for events held at the State Capitol and the Missouri State Penitentiary historic site (VETOED)
- HB 1389 Grants the Coordinating Board for Higher Education responsibility to enter into agreements for interstate reciprocity regarding the delivery of postsecondary distance education
- HB 1490 Requires the State Board of Education to convene work groups to develop new academic performance standards
- HB 1631 Requires the Air Conservation Commission to develop carbon dioxide emission standards for existing generation plants
- HB 1651 Allows members of electric cooperatives to participate in certain meetings by mail or electronic means
- HB 1692 Modifies provisions relating to public water supply districts and allows certain districts to establish a lateral sewer service line repair program
- HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)
- HB 1882 Modifies provisions of law relating to the Joint Committee on Public Retirement and the administrative requirements of public employee retirement plans
- HB 2141 Modifies various provisions relating to motor fuel

BOATS AND WATERCRAFT

- SB 491 Modifies provisions relating to criminal law
- SB 785 Expands one time temporary boating safety identification card opportunity to include Missouri residents
- HB 1371 Modifies provisions relating to criminal law
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BONDS - GENERAL OBLIGATION AND REVENUE

- SB 673 Modifies the duration of unemployment compensation the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETOED)
- SB 723 Raises the cap on the amount of revenue bonds that may be issued by the Board of Public Buildings

BONDS - SURETY

- SB 506 Modifies provisions relating to agriculture (VETOED)
- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
- HB 1326 Modifies provisions relating to agriculture (VETOED)

BUSINESS AND COMMERCE

- SB 506 Modifies provisions relating to agriculture (VETOED)
- SB 509 Modifies provisions relating to income taxes (OVERRIDDEN)
- SB 635 Prohibits issuance of certain incentives to business relocating from certain counties in Kansas if Kansas enacts a similar prohibition
- SB 662 Modifies provisions relating to taxation (VETOED)
- SB 693 Modifies provisions relating to taxation (VETOED)
- SB 694 Modifies the law relating to payday loans (VETOED)
- SB 719 Modifies the laws relating to school purchases
- SB 812 Requires the Department of Economic Development to open an office in Israel
- SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
- HB 1270 Modifies provisions relating to credit card processing services
- HB 1296 Modifies provision relating to corporate income tax and sales tax (VETOED)
- HB 1326 Modifies provisions relating to agriculture (VETOED)
- HB 1411 Requires an annual in-person parental consent for a minor younger than seventeen to use a tanning device in a tanning facility
- HB 1506 Provides that the Department of Economic Development shall disburse development grants to rural regional development groups
- HB 1665 Modifies provisions relating to the administration of justice, including the publishing of criminal record information
- HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)
- HB 1831 Modifies provisions relating to child care

CAPITAL IMPROVEMENTS

- SB 723 Raises the cap on the amount of revenue bonds that may be issued by the Board of Public Buildings
- HB 1504 Exempts certain taxes from deposit into the special allocation fund under tax increment financing

CEMETERIES

- HB 1231 Modifies various provisions of law relating to the administration of justice

CHARITIES

- SB 693 Modifies provisions relating to taxation (VETOED)
HB 1132 Modifies provisions relating to certain benevolent tax credits (OVERRIDDEN)
HB 1523 Specifies that certain terms used in a gift instrument create an endowment fund of permanent duration
HB 1710 Creates an income tax return check-off program to provide funds for the Missouri National Guard Foundation

CHILDREN AND MINORS

- SB 491 Modifies provisions relating to criminal law
SB 530 Allows for alcohol or drug use or related convictions to be considered in determining parental fitness in termination of parental rights proceedings
SB 532 Modifies provisions relating to educational and medical consent provided by relative caregivers
SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
SB 869 Modifies provisions relating to children
HB 1092 Modifies provisions relating to foster children and child abuse and neglect investigations
HB 1231 Modifies various provisions of law relating to the administration of justice
HB 1411 Requires an annual in-person parental consent for a minor younger than seventeen to use a tanning device in a tanning facility
HB 1831 Modifies provisions relating to child care
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

CIRCUIT CLERK

- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention

CITIES, TOWNS AND VILLAGES

- SB 653 Modifies provisions relating to municipal utility poles
SB 731 Modifies provisions relating to nuisance ordinances and actions (OVERRIDDEN)
HB 1238 Modifies various provisions of law regarding court costs
HB 1454 Modifies the application timeline for substantial modification of a wireless support structure from 90 to 120 days
HB 1553 Modifies provisions relating to political subdivisions (VETOED)
HB 1602 Authorizes the conveyance of property owned by the State of Missouri to the City of Farmington
HB 1791 Allows the Governor to convey certain state properties
HB 2163 Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones

CIVIL PROCEDURE

- SB 500 Modifies provisions of law relating to qualified spousal trusts, and no-contest clauses and mediation provisions in wills and trusts
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CIVIL PROCEDURE, CONTINUED

- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- SB 655 Modifies provisions relating to property
- SB 890 Creates a rule for determining proper venue in cases alleging a tort in which the plaintiff was first injured in connection with any railroad operations outside the state of Missouri
- HB 1085 Modifies provisions relating to the disclosure and release of public library records
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1238 Modifies various provisions of law regarding court costs
- HB 1410 Modifies provisions relating to landlord tenant actions and changes the expiration date on the requirement that builders must offer to install fire sprinklers

COMMERCIAL CODE

- HB 1376 Modifies portions of the Uniform Commercial Code relating to secured transactions
- HB 1412 Modifies the law relating to the filing of fraudulent financing statements with the Secretary of State and real property documents with recorders of deeds

CONSTITUTIONAL AMENDMENTS

- SJR 27 Provides that the people shall be secure in their electronic communications and data
- SJR 36 Modifies constitutional provisions regarding the right to keep and bear arms
- HJR 48 Requires the development of a Veterans Lottery Ticket with proceeds going to the Veterans' Commission Capital Improvements Trust Fund
- HJR 68 Imposes a temporary three-quarters of one cent sales and use tax for transportation purposes

CONSUMER PROTECTION

- SB 610 Extends consumer protections against predatory business practices by contractors to owners of commercial properties
- SB 694 Modifies the law relating to payday loans (VETOED)
- SB 706 Prohibits bad faith assertions of patent infringement
- HB 1270 Modifies provisions relating to credit card processing services
- HB 1665 Modifies provisions relating to the administration of justice, including the publishing of criminal record information

CONTRACTS AND CONTRACTORS

- SB 529 Modifies the Missouri Public Prompt Payment Act and the law relating to public works projects
- SB 610 Extends consumer protections against predatory business practices by contractors to owners of commercial properties
- SB 884 Establishes contractual provisions for entities engaged in the provision of dental services

CONTRACTS AND CONTRACTORS, CONTINUED

- HB 1225 Modifies provisions relating to self-service storage facilities
HB 1270 Modifies provisions relating to credit card processing services
HB 1594 Allows for volunteer labor on public works projects

CORPORATIONS

- SB 584 Modifies provisions relating to taxation (VETOED)
SB 612 Modifies provisions relating to taxation (VETOED)
SB 662 Modifies provisions relating to taxation (VETOED)
SB 693 Modifies provisions relating to taxation (VETOED)
HB 1296 Modifies provision relating to corporate income tax and sales tax (VETOED)
HB 1831 Modifies provisions relating to child care
HB 1865 Creates a state sales and use tax exemption for food preparation and specifies a method of allocating interstate income for corporate income taxes (VETOED)

CORRECTIONS DEPARTMENT

- SB 491 Modifies provisions relating to criminal law
SB 852 Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors
HB 1090 Allows any Department of Corrections employee who has accrued overtime hours to use those hours as compensatory leave time
HB 1231 Modifies various provisions of law relating to the administration of justice
HB 1371 Modifies provisions relating to criminal law

COSMETOLOGY

- SB 808 Modifies provisions of law relating to the licensure and scope of practice for certain professions

COUNTIES

- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
SB 690 Specifies that a Greene County emergency telephone service board is not a political subdivision unless the county commissioners adopt an order reclassifying the board as such
SB 731 Modifies provisions relating to nuisance ordinances and actions (OVERRIDDEN)
SB 767 Allows the creation of a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency
SB 896 Modifies provisions relating to county governance
HB 1231 Modifies various provisions of law relating to the administration of justice
HB 1320 Modifies provisions relating to breast-feeding
HB 1553 Modifies provisions relating to political subdivisions (VETOED)
HB 1791 Allows the Governor to convey certain state properties

COUNTY GOVERNMENT

- SB 506 Modifies provisions relating to agriculture (VETOED)
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COUNTY GOVERNMENT, CONTINUED

- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
- SB 690 Specifies that a Greene County emergency telephone service board is not a political subdivision unless the county commissioners adopt an order reclassifying the board as such
- SB 896 Modifies provisions relating to county governance
- HB 1238 Modifies various provisions of law regarding court costs

COUNTY OFFICIALS

- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
- SB 745 Modifies the provisions regarding sheriffs and other law enforcement officers, weapons, and concealed carry permits
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1553 Modifies provisions relating to political subdivisions (VETOED)

COURTS

- SB 491 Modifies provisions relating to criminal law
- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- SB 649 Modifies provisions relating to right-of-way of political subdivisions
- SB 650 Modifies provisions relating to wireless communications infrastructure deployment
- SB 651 Modifies provisions relating to communications services
- SB 653 Modifies provisions relating to municipal utility poles
- SB 655 Modifies provisions relating to property
- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
- SB 706 Prohibits bad faith assertions of patent infringement
- SB 731 Modifies provisions relating to nuisance ordinances and actions (OVERRIDDEN)
- SB 896 Modifies provisions relating to county governance
- HB 1085 Modifies provisions relating to the disclosure and release of public library records
- HB 1201 Modifies provisions relating to proposed surface mining operations
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1238 Modifies various provisions of law regarding court costs
- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
- HB 1320 Modifies provisions relating to breast-feeding
- HB 1371 Modifies provisions relating to criminal law
- HB 1553 Modifies provisions relating to political subdivisions (VETOED)

COURTS, JUVENILE

- SB 530 Allows for alcohol or drug use or related convictions to be considered in determining parental fitness in termination of parental rights proceedings
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CREDIT AND BANKRUPTCY

- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
- SB 694 Modifies the law relating to payday loans (VETOED)

CREDIT UNIONS

- SB 866 Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans (OVERRIDDEN)

CRIMES AND PUNISHMENT

- SB 491 Modifies provisions relating to criminal law
- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
- SB 680 Modifies provisions relating to public assistance
- SB 735 Establishes Duty to inform campground guests of campground policies and establishes causes for which a campground owner can remove a person from a campground and a penalty for failure to leave
- SB 852 Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1371 Modifies provisions relating to criminal law
- HB 1372 Modifies the offense of unlawful funeral protests
- HB 1412 Modifies the law relating to the filing of fraudulent financing statements with the Secretary of State and real property documents with recorders of deeds
- HB 1665 Modifies provisions relating to the administration of justice, including the publishing of criminal record information
- HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)
- HB 1735 Exempts sales of motorcycles and motorized vehicles sold by powersports dealers from criminal penalties for Sunday sales and modifies the definitions of certain off-highway motor vehicles
- HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

CRIMINAL PROCEDURE

- SJR 27 Provides that the people shall be secure in their electronic communications and data
- SB 491 Modifies provisions relating to criminal law
- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
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CRIMINAL PROCEDURE, CONTINUED

- SB 655 Modifies provisions relating to property
HB 1238 Modifies various provisions of law regarding court costs
HB 1371 Modifies provisions relating to criminal law

DENTISTS

- SB 884 Establishes contractual provisions for entities engaged in the provision of dental services

DISABILITIES

- HB 1064 Removes references to the phrases "mentally retarded" and "mental retardation" from statute and replaces them with "intellectually disabled" and "intellectual disability"
HB 1125 Allows representatives of military candidates and candidates with disabilities to draw numbers to establish ballot order
HB 1614 Modifies procedures used in the administration of "Bryce's Law" and adds dyslexia as a qualifying need
HB 1835 Changes the vision examination requirements for Blind Pension recipients

DOMESTIC RELATIONS

- HB 1231 Modifies various provisions of law relating to the administration of justice

DRUGS AND CONTROLLED SUBSTANCES

- SB 491 Modifies provisions relating to criminal law
SB 584 Modifies provisions relating to taxation (VETOED)
SB 727 Modifies provisions relating to farmers' market and SNAP benefits (OVERRIDDEN)
HB 1371 Modifies provisions relating to criminal law
HB 2040 Allows first responders to administer naloxone to patients suspected of a narcotic or opiate overdose
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

EASEMENTS AND CONVEYANCES

- HB 1206 Removes the expiration date on the authority of certain public higher education institutions to transfer real property, except in fee simple, without General Assembly authorization
HB 1791 Allows the Governor to convey certain state properties

ECONOMIC DEVELOPMENT

- SB 635 Prohibits issuance of certain incentives to business relocating from certain counties in Kansas if Kansas enacts a similar prohibition
SB 729 Modifies provisions relating to taxation and economic development
SB 812 Requires the Department of Economic Development to open an office in Israel
HB 1459 Authorizes the Innovation Campus Tax Credit
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ECONOMIC DEVELOPMENT, CONTINUED

- HB 1506 Provides that the Department of Economic Development shall disburse development grants to rural regional development groups

ECONOMIC DEVELOPMENT DEPARTMENT

- SB 635 Prohibits issuance of certain incentives to business relocating from certain counties in Kansas if Kansas enacts a similar prohibition
- SB 729 Modifies provisions relating to taxation and economic development
- SB 812 Requires the Department of Economic Development to open an office in Israel
- HB 1506 Provides that the Department of Economic Development shall disburse development grants to rural regional development groups

EDUCATION, ELEMENTARY AND SECONDARY

- SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
- SB 523 Prohibits school districts from requiring a student to use an identification device that uses radio frequency identification technology to transmit certain information (OVERRIDDEN)
- SB 532 Modifies provisions relating to educational and medical consent provided by relative caregivers
- SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
- SB 701 Modifies provisions relating to school superintendents, school accountability report cards, career and technical education, and creates the Farm-to-School Program
- SB 719 Modifies the laws relating to school purchases
- SB 729 Modifies provisions relating to taxation and economic development
- SB 782 Allows an individual with certification from the American Board for Certification of Teacher Excellence to obtain teacher certification in elementary education
- SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
- SB 907 Allows the Carthage School District to transfer unrestricted funds from the incidental to the capital projects funds in the 2014-2015 school year to complete student safety-related projects
- HB 1189 Requires DESE to develop a high school graduation policy that allows agriculture or career and technical education courses to satisfy certain subject-specific graduation requirements
- HB 1303 Creates the Missouri Student Religious Liberties Act
- HB 1459 Authorizes the Innovation Campus Tax Credit
- HB 1490 Requires the State Board of Education to convene work groups to develop new academic performance standards
- HB 1614 Modifies procedures used in the administration of "Bryce's Law" and adds dyslexia as a qualifying need
- HB 1689 Modifies provisions relating to elementary and secondary education

EDUCATION, HIGHER

- SB 492 Modifies provisions relating to the authorization for funding and administrative processes in higher education
- SB 506 Modifies provisions relating to agriculture (VETOED)
- SB 701 Modifies provisions relating to school superintendents, school accountability report cards, career and technical education, and creates the Farm-to-School Program
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EDUCATION, HIGHER, CONTINUED

- SB 723 Raises the cap on the amount of revenue bonds that may be issued by the Board of Public Buildings
- SB 729 Modifies provisions relating to taxation and economic development
- HB 1206 Removes the expiration date on the authority of certain public higher education institutions to transfer real property, except in fee simple, without General Assembly authorization
- HB 1326 Modifies provisions relating to agriculture (VETOED)
- HB 1389 Grants the Coordinating Board for Higher Education responsibility to enter into agreements for interstate reciprocity regarding the delivery of postsecondary distance education
- HB 1459 Authorizes the Innovation Campus Tax Credit
- HB 1523 Specifies that certain terms used in a gift instrument create an endowment fund of permanent duration
- HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)

ELDERLY

- SB 567 Modifies provisions relating to public health
- SB 716 Modifies provisions relating to public health
- SB 754 Modifies provisions relating to health care

ELECTIONS

- SB 593 Modifies provisions relating to nonpartisan elections (OVERRIDDEN)
- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
- SB 892 Changes the presidential primary election date from February to March
- HJR 90 Establishes advance voting
- HB 1125 Allows representatives of military candidates and candidates with disabilities to draw numbers to establish ballot order
- HB 1136 Modifies numerous provisions relating to elections

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

- SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
- SB 701 Modifies provisions relating to school superintendents, school accountability report cards, career and technical education, and creates the Farm-to-School Program
- SB 782 Allows an individual with certification from the American Board for Certification of Teacher Excellence to obtain teacher certification in elementary education
- HB 1189 Requires DESE to develop a high school graduation policy that allows agriculture or career and technical education courses to satisfy certain subject-specific graduation requirements
- HB 1303 Creates the Missouri Student Religious Liberties Act
- HB 1490 Requires the State Board of Education to convene work groups to develop new academic performance standards
- HB 1614 Modifies procedures used in the administration of "Bryce's Law" and adds dyslexia as a qualifying need
- HB 1689 Modifies provisions relating to elementary and secondary education

EMBLEMS

HB 1603 Designates "jumping jacks" as the official state exercise

EMERGENCIES

SB 651 Modifies provisions relating to communications services
SB 653 Modifies provisions relating to municipal utility poles
SB 767 Allows the creation of a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency
SB 773 Allows first responders to drive ground ambulances in certain emergency situations
HB 1190 Establishes the "Facilitating Business Rapid Response to State Declared Disasters Act" and requires the Department of Transportation to issue emergency utility response following a disaster where utility service has been disrupted
HB 1300 Allows fire protection district board of directors to meet without public notice in order to disburse funds necessary for the deployment of certain task forces
HB 1426 Allows counties to create a voluntary registry of individuals with health related ailments for emergency purposes
HB 1504 Exempts certain taxes from deposit into the special allocation fund under tax increment financing
HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way
HB 2040 Allows first responders to administer naloxone to patients suspected of a narcotic or opiate overdose

EMPLOYEES - EMPLOYERS

SB 510 Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits
SB 584 Modifies provisions relating to taxation (VETOED)
SB 673 Modifies the duration of unemployment compensation the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETOED)
SB 844 Modifies the shared work unemployment compensation program
SB 860 Modifies provisions relating to taxation (VETOED)
HB 1506 Provides that the Department of Economic Development shall disburse development grants to rural regional development groups

EMPLOYMENT SECURITY

SB 673 Modifies the duration of unemployment compensation the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETOED)
SB 844 Modifies the shared work unemployment compensation program

ENERGY

SB 601 Reauthorizes a deduction for energy efficiency audits and projects for tax years 2014 to 2020
SB 664 Modifies provisions relating to natural resources
SB 734 Allows members of electric cooperatives to participate in certain meetings by mail or electronic means

ENERGY, CONTINUED

- HB 1631 Requires the Air Conservation Commission to develop carbon dioxide emission standards for existing generation plants
- HB 1651 Allows members of electric cooperatives to participate in certain meetings by mail or electronic means
- HB 2141 Modifies various provisions relating to motor fuel

ENGINEERS

- SB 809 Modifies provisions of law regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects

ENTERTAINMENT, SPORTS AND AMUSEMENTS

- SB 584 Modifies provisions relating to taxation (VETOED)
- SB 612 Modifies provisions relating to taxation (VETOED)
- HB 1237 Extends allocation of tax revenues from the nonresident entertainers and athletes until December 31, 2020

ESTATES, WILLS AND TRUSTS

- SB 500 Modifies provisions of law relating to qualified spousal trusts, and no-contest clauses and mediation provisions in wills and trusts
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1523 Specifies that certain terms used in a gift instrument create an endowment fund of permanent duration

FAMILY LAW

- SB 869 Modifies provisions relating to children
- HB 1231 Modifies various provisions of law relating to the administration of justice

FEDERAL - STATE RELATIONS

- SB 706 Prohibits bad faith assertions of patent infringement

FEEES

- SB 506 Modifies provisions relating to agriculture (VETOED)
- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
- HB 1553 Modifies provisions relating to political subdivisions (VETOED)

FIRE PROTECTION

- SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
- SB 693 Modifies provisions relating to taxation (VETOED)
- HB 1300 Allows fire protection district board of directors to meet without public notice in order to disburse funds necessary for the deployment of certain task forces
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FIREARMS AND FIREWORKS

- SJR 36 Modifies constitutional provisions regarding the right to keep and bear arms
SB 491 Modifies provisions relating to criminal law
SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
SB 745 Modifies the provisions regarding sheriffs and other law enforcement officers, weapons, and concealed carry permits

FUNERALS AND FUNERAL DIRECTORS

- HB 1372 Modifies the offense of unlawful funeral protests
HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)

GAMBLING

- SB 741 Authorizes gaming establishment to provide lines of credit

GENERAL ASSEMBLY

- SB 492 Modifies provisions relating to the authorization for funding and administrative processes in higher education
SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
SB 575 Modifies and repeals a number of existing, expired or obsolete committees as well as creating the new Joint Committee on Judiciary and Justice (VETOED)
SB 643 Modifies provisions regarding the publishing of the Missouri statutes by the Revisor of Statutes
HJR 72 Proposes a constitutional amendment prohibiting the Governor from reducing any payment of public debt and requiring notification to the General Assembly when he or she makes specified payment changes of appropriations
HB 1217 Prohibits a person from assigning or transferring a pension benefit
HB 1490 Requires the State Board of Education to convene work groups to develop new academic performance standards

GOVERNOR & LT. GOVERNOR

- SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
HJR 72 Proposes a constitutional amendment prohibiting the Governor from reducing any payment of public debt and requiring notification to the General Assembly when he or she makes specified payment changes of appropriations
HB 1206 Removes the expiration date on the authority of certain public higher education institutions to transfer real property, except in fee simple, without General Assembly authorization
HB 1490 Requires the State Board of Education to convene work groups to develop new academic performance standards
HB 1602 Authorizes the conveyance of property owned by the State of Missouri to the City of Farmington
HB 1791 Allows the Governor to convey certain state properties
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GUARDIANS

- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention

HEALTH CARE

- SB 508 Modifies various provisions relating to health insurance (VETOED)
SB 527 Designates each March 27th as "Medical Radiation Safety Awareness Day"
SB 532 Modifies provisions relating to educational and medical consent provided by relative caregivers
SB 668 Requires health benefit plans to establish equal out of pocket costs for covered oral and intravenously administered chemotherapy medications
HB 1411 Requires an annual in-person parental consent for a minor younger than seventeen to use a tanning device in a tanning facility
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

HEALTH CARE PROFESSIONALS

- SB 508 Modifies various provisions relating to health insurance (VETOED)
SB 639 Requires mammography facilities to provide to patients certain information regarding breast density
SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
SB 773 Allows first responders to drive ground ambulances in certain emergency situations
SB 808 Modifies provisions of law relating to the licensure and scope of practice for certain professions
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

HEALTH DEPARTMENT

- SB 525 Modifies provisions relating to food preparation and production
SB 567 Modifies provisions relating to public health
HB 1307 Amends the current waiting period for having an abortion from 24 hours to 72 hours (OVERRIDDEN)
HB 1831 Modifies provisions relating to child care
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

HEALTH, PUBLIC

- SB 525 Modifies provisions relating to food preparation and production
SB 639 Requires mammography facilities to provide to patients certain information regarding breast density
SB 653 Modifies provisions relating to municipal utility poles
SB 716 Modifies provisions relating to public health
SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
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HEALTH, PUBLIC, CONTINUED

- HB 1320 Modifies provisions relating to breast-feeding
HB 1426 Allows counties to create a voluntary registry of individuals with health related ailments for emergency purposes
HB 1656 Makes a technical change to a statute about anatomical gifts
HB 1685 Allows for the use of investigational drugs by those with terminal illnesses

HIGHER EDUCATION DEPARTMENT

- SB 492 Modifies provisions relating to the authorization for funding and administrative processes in higher education

HIGHWAY PATROL

- HB 1735 Exempts sales of motorcycles and motorized vehicles sold by powersports dealers from criminal penalties for Sunday sales and modifies the definitions of certain off-highway motor vehicles

HOLIDAYS

- SB 527 Designates each March 27th as "Medical Radiation Safety Awareness Day"

HOSPITALS

- SB 716 Modifies provisions relating to public health
SB 808 Modifies provisions of law relating to the licensure and scope of practice for certain professions

HOUSING

- SB 655 Modifies provisions relating to property
SB 691 Modifies insurance policy cancellation and reinstatement requirements and allows homeowner insurance companies to offer sinkhole coverage

INSURANCE - AUTOMOBILE

- HB 1079 Modifies applicability of electronic communication of insurance documents

INSURANCE - GENERAL

- SB 506 Modifies provisions relating to agriculture (VETOED)
SB 606 Repeals a statute that requires certain persons to be licensed as an insurance agent
SB 609 Modifies applicability of electronic communication of insurance documents to other provisions of law
SB 691 Modifies insurance policy cancellation and reinstatement requirements and allows homeowner insurance companies to offer sinkhole coverage
SB 794 Allows certain financial institutions to transfer fiduciary obligations and modifies the law relating to insurance producers and holding companies
SB 884 Establishes contractual provisions for entities engaged in the provision of dental services
HB 1079 Modifies applicability of electronic communication of insurance documents
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INSURANCE - GENERAL, CONTINUED

- HB 1326 Modifies provisions relating to agriculture (VETOED)
HB 1361 Modifies the regulations relating to domestic surplus lines insurers
HB 1968 Modifies regulatory examination of health maintenance organizations and subjects health organizations to risk-based capital analysis

INSURANCE - LIFE

- SB 609 Modifies applicability of electronic communication of insurance documents to other provisions of law
SB 794 Allows certain financial institutions to transfer fiduciary obligations and modifies the law relating to insurance producers and holding companies
HB 1079 Modifies applicability of electronic communication of insurance documents

INSURANCE - MEDICAL

- SB 508 Modifies various provisions relating to health insurance (VETOED)
SB 668 Requires health benefit plans to establish equal out of pocket costs for covered oral and intravenously administered chemotherapy medications
SB 884 Establishes contractual provisions for entities engaged in the provision of dental services
HB 1968 Modifies regulatory examination of health maintenance organizations and subjects health organizations to risk-based capital analysis

INSURANCE - PROPERTY

- SB 609 Modifies applicability of electronic communication of insurance documents to other provisions of law
SB 610 Extends consumer protections against predatory business practices by contractors to owners of commercial properties
SB 691 Modifies insurance policy cancellation and reinstatement requirements and allows homeowner insurance companies to offer sinkhole coverage
HB 1079 Modifies applicability of electronic communication of insurance documents

INSURANCE DEPARTMENT

- SB 508 Modifies various provisions relating to health insurance (VETOED)
SB 609 Modifies applicability of electronic communication of insurance documents to other provisions of law
SB 866 Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans (OVERRIDDEN)
HB 1361 Modifies the regulations relating to domestic surplus lines insurers
HB 1968 Modifies regulatory examination of health maintenance organizations and subjects health organizations to risk-based capital analysis

INTERNET, WORLDWIDE WEB & E-MAIL

- SB 504 Requires state agencies to post proposed rules, summaries, and fiscal notes on their websites
SB 651 Modifies provisions relating to communications services
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INTERSTATE COOPERATION

- HB 1389 Grants the Coordinating Board for Higher Education responsibility to enter into agreements for interstate reciprocity regarding the delivery of postsecondary distance education

JUDGES

- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- HB 1231 Modifies various provisions of law relating to the administration of justice

JURIES

- HB 1320 Modifies provisions relating to breast-feeding

KANSAS CITY

- SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 852 Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1301 Modifies intersectional references relating to the Kansas City Police Retirement System

LABOR AND INDUSTRIAL RELATIONS DEPARTMENT

- SB 510 Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits
- SB 844 Modifies the shared work unemployment compensation program
- HB 1594 Allows for volunteer labor on public works projects

LABOR AND MANAGEMENT

- HB 1594 Allows for volunteer labor on public works projects

LAKES, RIVERS AND WATERWAYS

- SB 584 Modifies provisions relating to taxation (VETOED)

LANDLORDS AND TENANTS

- SB 655 Modifies provisions relating to property
- HB 1218 Modifies regulations on collection of delinquent assessments on a condominium
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LANDLORDS AND TENANTS, CONTINUED

- HB 1410 Modifies provisions relating to landlord tenant actions and changes the expiration date on the requirement that builders must offer to install fire sprinklers

LAW ENFORCEMENT OFFICERS AND AGENCIES

- SJR 27 Provides that the people shall be secure in their electronic communications and data
SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
SB 745 Modifies the provisions regarding sheriffs and other law enforcement officers, weapons, and concealed carry permits
- SB 842 Modifies the authority of the Director of the Department of Revenue to conduct diesel fuel inspections
- SB 852 Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors
- HB 1090 Allows any Department of Corrections employee who has accrued overtime hours to use those hours as compensatory leave time
- HB 1231 Modifies various provisions of law relating to the administration of justice
HB 1301 Modifies intersectional references relating to the Kansas City Police Retirement System
- HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)
HB 2040 Allows first responders to administer naloxone to patients suspected of a narcotic or opiate overdose

LIABILITY

- SB 506 Modifies provisions relating to agriculture (VETOED)
SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- SB 651 Modifies provisions relating to communications services
SB 829 Modifies provisions relating to burden of proof in tax liability cases (OVERRIDDEN)
HB 1085 Modifies provisions relating to the disclosure and release of public library records
HB 1231 Modifies various provisions of law relating to the administration of justice
HB 1261 Changes the laws regarding audits for transportation development districts (VETOED)
- HB 1326 Modifies provisions relating to agriculture (VETOED)
HB 1455 Modifies provisions relating to burden of proof in tax liability cases (VETOED)
HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

LIBRARIES AND ARCHIVES

- SB 612 Modifies provisions relating to taxation (VETOED)
HB 1085 Modifies provisions relating to the disclosure and release of public library records

LIBRARIES AND ARCHIVES, CONTINUED

- HB 1237 Extends allocation of tax revenues from the nonresident entertainers and athletes until December 31, 2020
HB 1553 Modifies provisions relating to political subdivisions (VETOED)

LICENSES - DRIVER'S

- HB 1081 Creates the Paperless Documents and Forms Act

LICENSES - LIQUOR AND BEER

- HB 1304 Modifies provisions relating to homebrewers and packaging requirements for malt liquor

LICENSES - MISCELLANEOUS

- SB 689 Expands the types of packages in which malt liquor may be sold pursuant to a permit for the sale of malt liquor in the original package
SB 745 Modifies the provisions regarding sheriffs and other law enforcement officers, weapons, and concealed carry permits
SB 785 Expands one time temporary boating safety identification card opportunity to include Missouri residents
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

LICENSES - MOTOR VEHICLE

- SB 575 Modifies and repeals a number of existing, expired or obsolete committees as well as creating the new Joint Committee on Judiciary and Justice (VETOED)
SB 600 Changes provisions for license plates honoring veterans; expands WWII, Korean Conflict, & Vietnam War medallion programs to Missouri National Guard members; and creates medallion programs for Operations Iraqi Freedom, New Dawn, Desert Shield & Desert Storm
HB 1081 Creates the Paperless Documents and Forms Act
HB 1190 Establishes the "Facilitating Business Rapid Response to State Declared Disasters Act" and requires the Department of Transportation to issue emergency utility response following a disaster where utility service has been disrupted
HB 1999 Allows the Director of Revenue to establish rules and regulations to allow lienholders who have filed a lien electronically to release the lien by electronic means (VETOED)

LICENSES - PROFESSIONAL

- SB 506 Modifies provisions relating to agriculture (VETOED)
SB 508 Modifies various provisions relating to health insurance (VETOED)
SB 606 Repeals a statute that requires certain persons to be licensed as an insurance agent
SB 808 Modifies provisions of law relating to the licensure and scope of practice for certain professions
SB 809 Modifies provisions of law regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects
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LICENSES - PROFESSIONAL, CONTINUED

HB 1326 Modifies provisions relating to agriculture (VETOED)

LIENS

HB 1218 Modifies regulations on collection of delinquent assessments on a condominium
HB 1225 Modifies provisions relating to self-service storage facilities
HB 1376 Modifies portions of the Uniform Commercial Code relating to secured transactions
HB 1999 Allows the Director of Revenue to establish rules and regulations to allow lienholders who have filed a lien electronically to release the lien by electronic means (VETOED)

LOTTERIES

HJR 48 Requires the development of a Veterans Lottery Ticket with proceeds going to the Veterans' Commission Capital Improvements Trust Fund

MANUFACTURED HOUSING

SB 584 Modifies provisions relating to taxation (VETOED)
SB 693 Modifies provisions relating to taxation (VETOED)
SB 860 Modifies provisions relating to taxation (VETOED)

MARRIAGE AND DIVORCE

SB 500 Modifies provisions of law relating to qualified spousal trusts, and no-contest clauses and mediation provisions in wills and trusts
SB 796 Establishes a procedure to obtain a marriage license for the incarcerated or military persons who are out of the state
HB 1231 Modifies various provisions of law relating to the administration of justice

MEDICAID

SB 508 Modifies various provisions relating to health insurance (VETOED)

MENTAL HEALTH

HB 1064 Removes references to the phrases "mentally retarded" and "mental retardation" from statute and replaces them with "intellectually disabled" and "intellectual disability"
HB 1779 Allows APRNs under collaboration with a physician to order certain safety measures in mental health facilities

MENTAL HEALTH DEPARTMENT

SB 575 Modifies and repeals a number of existing, expired or obsolete committees as well as creating the new Joint Committee on Judiciary and Justice (VETOED)
SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
HB 1231 Modifies various provisions of law relating to the administration of justice
HB 1779 Allows APRNs under collaboration with a physician to order certain safety measures in mental health facilities

MERCHANDISING PRACTICES

- SB 693 Modifies provisions relating to taxation (VETOED)
SB 706 Prohibits bad faith assertions of patent infringement
SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
HB 1270 Modifies provisions relating to credit card processing services
HB 1411 Requires an annual in-person parental consent for a minor younger than seventeen to use a tanning device in a tanning facility
HB 1665 Modifies provisions relating to the administration of justice, including the publishing of criminal record information

MILITARY AFFAIRS

- SB 600 Changes provisions for license plates honoring veterans; expands WWII, Korean Conflict, & Vietnam War medallion programs to Missouri National Guard members; and creates medallion programs for Operations Iraqi Freedom, New Dawn, Desert Shield & Desert Storm
HB 1125 Allows representatives of military candidates and candidates with disabilities to draw numbers to establish ballot order
HB 1724 Allows the Adjutant General to provide financial assistance or services to certain military families with money from the Missouri Military Family Relief Fund

MINING AND OIL AND GAS PRODUCTION

- SB 642 Modifies provisions relating to proposed surface mining operations
SB 664 Modifies provisions relating to natural resources
HB 1201 Modifies provisions relating to proposed surface mining operations
HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
HB 2141 Modifies various provisions relating to motor fuel

MORTGAGES AND DEEDS

- HB 1218 Modifies regulations on collection of delinquent assessments on a condominium

MOTELS AND HOTELS

- SB 693 Modifies provisions relating to taxation (VETOED)
SB 896 Modifies provisions relating to county governance

MOTOR FUEL

- SB 584 Modifies provisions relating to taxation (VETOED)
SB 729 Modifies provisions relating to taxation and economic development
SB 842 Modifies the authority of the Director of the Department of Revenue to conduct diesel fuel inspections
HB 2141 Modifies various provisions relating to motor fuel

MOTOR VEHICLES

- SB 693 Modifies provisions relating to taxation (VETOED)
HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)
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MOTOR VEHICLES, CONTINUED

- HB 1735 Exempts sales of motorcycles and motorized vehicles sold by powersports dealers from criminal penalties for Sunday sales and modifies the definitions of certain off-highway motor vehicles
- HB 1999 Allows the Director of Revenue to establish rules and regulations to allow lienholders who have filed a lien electronically to release the lien by electronic means (VETOED)
- HB 2163 Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones

NATIONAL GUARD

- HB 1710 Creates an income tax return check-off program to provide funds for the Missouri National Guard Foundation
- HB 1724 Allows the Adjutant General to provide financial assistance or services to certain military families with money from the Missouri Military Family Relief Fund

NATURAL RESOURCES DEPARTMENT

- SB 642 Modifies provisions relating to proposed surface mining operations
- SB 664 Modifies provisions relating to natural resources
- HB 1201 Modifies provisions relating to proposed surface mining operations
- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
- HB 1631 Requires the Air Conservation Commission to develop carbon dioxide emission standards for existing generation plants
- HB 2141 Modifies various provisions relating to motor fuel

NEWSPAPERS AND PUBLICATIONS

- SB 642 Modifies provisions relating to proposed surface mining operations
- HB 1201 Modifies provisions relating to proposed surface mining operations

NURSES

- HB 1779 Allows APRNs under collaboration with a physician to order certain safety measures in mental health facilities

PARKS AND RECREATION

- SB 735 Establishes Duty to inform campground guests of campground policies and establishes causes for which a campground owner can remove a person from a campground and a penalty for failure to leave

PHARMACY

- SB 754 Modifies provisions relating to health care
- SB 808 Modifies provisions of law relating to the licensure and scope of practice for certain professions
- HB 1685 Allows for the use of investigational drugs by those with terminal illnesses

POLITICAL SUBDIVISIONS

- SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
SB 593 Modifies provisions relating to nonpartisan elections (OVERRIDDEN)
SB 649 Modifies provisions relating to right-of-way of political subdivisions
SB 650 Modifies provisions relating to wireless communications infrastructure deployment
SB 653 Modifies provisions relating to municipal utility poles
SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
SB 672 Modifies provisions relating to businesses, political subdivisions, fire sprinklers, investments, hair braiding, garnishments, asphalt shingles, and Sunday sales
SB 675 Allows political subdivisions to assign operation of a retirement plan to the Missouri Local Government Employees' Retirement system (VETOED)
SB 690 Specifies that a Greene County emergency telephone service board is not a political subdivision unless the county commissioners adopt an order reclassifying the board as such
SB 693 Modifies provisions relating to taxation (VETOED)
SB 866 Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans (OVERRIDDEN)
HB 1300 Allows fire protection district board of directors to meet without public notice in order to disburse funds necessary for the deployment of certain task forces
HB 1426 Allows counties to create a voluntary registry of individuals with health related ailments for emergency purposes
HB 1553 Modifies provisions relating to political subdivisions (VETOED)
HB 1651 Allows members of electric cooperatives to participate in certain meetings by mail or electronic means
HB 1692 Modifies provisions relating to public water supply districts and allows certain districts to establish a lateral sewer service line repair program

PROPERTY, REAL AND PERSONAL

- SB 500 Modifies provisions of law relating to qualified spousal trusts, and no-contest clauses and mediation provisions in wills and trusts
SB 610 Extends consumer protections against predatory business practices by contractors to owners of commercial properties
SB 642 Modifies provisions relating to proposed surface mining operations
SB 731 Modifies provisions relating to nuisance ordinances and actions (OVERRIDDEN)
HB 1075 Modifies the law relating to unclaimed property
HB 1206 Removes the expiration date on the authority of certain public higher education institutions to transfer real property, except in fee simple, without General Assembly authorization
HB 1602 Authorizes the conveyance of property owned by the State of Missouri to the City of Farmington
HB 1791 Allows the Governor to convey certain state properties

PUBLIC ASSISTANCE

- SB 680 Modifies provisions relating to public assistance
SB 727 Modifies provisions relating to farmers' market and SNAP benefits (OVERRIDDEN)
SB 754 Modifies provisions relating to health care
HB 1835 Changes the vision examination requirements for Blind Pension recipients
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PUBLIC BUILDINGS

- SB 529 Modifies the Missouri Public Prompt Payment Act and the law relating to public works projects

PUBLIC OFFICERS

- SB 719 Modifies the laws relating to school purchases

PUBLIC RECORDS, PUBLIC MEETINGS

- SB 642 Modifies provisions relating to proposed surface mining operations
SB 767 Allows the creation of a voluntary registry of persons with health-related ailments to assist individuals in case of a disaster or emergency
HB 1300 Allows fire protection district board of directors to meet without public notice in order to disburse funds necessary for the deployment of certain task forces
HB 1426 Allows counties to create a voluntary registry of individuals with health related ailments for emergency purposes

PUBLIC SAFETY DEPARTMENT

- SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
SB 689 Expands the types of packages in which malt liquor may be sold pursuant to a permit for the sale of malt liquor in the original package
SB 852 Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors
HB 1304 Modifies provisions relating to homebrewers and packaging requirements for malt liquor
HB 1735 Exempts sales of motorcycles and motorized vehicles sold by powersports dealers from criminal penalties for Sunday sales and modifies the definitions of certain off-highway motor vehicles
HB 2238 Allows the use of hemp extract for the treatment of intractable epilepsy and creates licensing and registration procedures for the use, manufacture, and distribution of hemp.

PUBLIC SERVICE COMMISSION

- SB 653 Modifies provisions relating to municipal utility poles
HB 1631 Requires the Air Conservation Commission to develop carbon dioxide emission standards for existing generation plants

RAILROADS

- SB 890 Creates a rule for determining proper venue in cases alleging a tort in which the plaintiff was first injured in connection with any railroad operations outside the state of Missouri
HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

RELIGION

- HB 1303 Creates the Missouri Student Religious Liberties Act
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RETIREMENT - LOCAL GOVERNMENT

- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- SB 675 Allows political subdivisions to assign operation of a retirement plan to the Missouri Local Government Employees' Retirement system (VETOED)
- HB 1217 Prohibits a person from assigning or transferring a pension benefit
- HB 1231 Modifies various provisions of law relating to the administration of justice
- HB 1301 Modifies intersectional references relating to the Kansas City Police Retirement System
- HB 1882 Modifies provisions of law relating to the Joint Committee on Public Retirement and the administrative requirements of public employee retirement plans

RETIREMENT - STATE

- HB 1217 Prohibits a person from assigning or transferring a pension benefit
- HB 1882 Modifies provisions of law relating to the Joint Committee on Public Retirement and the administrative requirements of public employee retirement plans

RETIREMENT SYSTEMS AND BENEFITS - GENERAL

- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
- SB 675 Allows political subdivisions to assign operation of a retirement plan to the Missouri Local Government Employees' Retirement system (VETOED)
- HB 1217 Prohibits a person from assigning or transferring a pension benefit
- HB 1882 Modifies provisions of law relating to the Joint Committee on Public Retirement and the administrative requirements of public employee retirement plans

REVENUE DEPARTMENT

- SB 584 Modifies provisions relating to taxation (VETOED)
- SB 600 Changes provisions for license plates honoring veterans; expands WWII, Korean Conflict, & Vietnam War medallion programs to Missouri National Guard members; and creates medallion programs for Operations Iraqi Freedom, New Dawn, Desert Shield & Desert Storm
- SB 662 Modifies provisions relating to taxation (VETOED)
- SB 829 Modifies provisions relating to burden of proof in tax liability cases (OVERRIDDEN)
- SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
- SB 842 Modifies the authority of the Director of the Department of Revenue to conduct diesel fuel inspections
- SB 860 Modifies provisions relating to taxation (VETOED)
- HB 1081 Creates the Paperless Documents and Forms Act
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REVENUE DEPARTMENT, CONTINUED

- HB 1190 Establishes the "Facilitating Business Rapid Response to State Declared Disasters Act" and requires the Department of Transportation to issue emergency utility response following a disaster where utility service has been disrupted
- HB 1261 Changes the laws regarding audits for transportation development districts (VETOED)
- HB 1455 Modifies provisions relating to burden of proof in tax liability cases (VETOED)
- HB 1999 Allows the Director of Revenue to establish rules and regulations to allow lienholders who have filed a lien electronically to release the lien by electronic means (VETOED)
- HB 2141 Modifies various provisions relating to motor fuel

REVISION BILLS

- SB 643 Modifies provisions regarding the publishing of the Missouri statutes by the Revisor of Statutes
- HRB 1298 Repeals a number of expired, obsolete, and ineffective statutes
- HRB 1299 Codifies a number of executive branch agency reorganizations that were done by executive order
- HB 1245 Repeals duplicative versions of statutes

ROADS AND HIGHWAYS

- HJR 68 Imposes a temporary three-quarters of one cent sales and use tax for transportation purposes
- HB 1190 Establishes the "Facilitating Business Rapid Response to State Declared Disasters Act" and requires the Department of Transportation to issue emergency utility response following a disaster where utility service has been disrupted
- HB 1735 Exempts sales of motorcycles and motorized vehicles sold by powersports dealers from criminal penalties for Sunday sales and modifies the definitions of certain off-highway motor vehicles
- HB 1866 Designates memorial highways and bridges around the state

SAINT LOUIS

- SB 493 Modifies provisions relating to elementary and secondary education (VETOED)
- SB 852 Allows police on the Kansas border to provide mutual aid, provides compensatory time for corrections officers, and provides for the regulation of corporate security advisors

SAINT LOUIS COUNTY

- SB 584 Modifies provisions relating to taxation (VETOED)
- SB 693 Modifies provisions relating to taxation (VETOED)
- HB 1231 Modifies various provisions of law relating to the administration of justice

SALARIES

- HB 1090 Allows any Department of Corrections employee who has accrued overtime hours to use those hours as compensatory leave time
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SCIENCE AND TECHNOLOGY

- SB 729 Modifies provisions relating to taxation and economic development
HB 1459 Authorizes the Innovation Campus Tax Credit

SECRETARY OF STATE

- SB 593 Modifies provisions relating to nonpartisan elections (OVERRIDDEN)
SB 892 Changes the presidential primary election date from February to March
HJR 90 Establishes advance voting
HB 1125 Allows representatives of military candidates and candidates with disabilities to draw numbers to establish ballot order
HB 1412 Modifies the law relating to the filing of fraudulent financing statements with the Secretary of State and real property documents with recorders of deeds

SEWERS AND SEWER DISTRICTS

- SB 664 Modifies provisions relating to natural resources
HB 1692 Modifies provisions relating to public water supply districts and allows certain districts to establish a lateral sewer service line repair program
HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

SEXUAL OFFENSES

- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
HB 1231 Modifies various provisions of law relating to the administration of justice

SOCIAL SERVICES DEPARTMENT

- SB 754 Modifies provisions relating to health care
SB 869 Modifies provisions relating to children
HB 1092 Modifies provisions relating to foster children and child abuse and neglect investigations
HB 1835 Changes the vision examination requirements for Blind Pension recipients

STATE DEPARTMENTS

- SB 504 Requires state agencies to post proposed rules, summaries, and fiscal notes on their websites
HRB 1299 Codifies a number of executive branch agency reorganizations that were done by executive order

STATE EMPLOYEES

- HB 1090 Allows any Department of Corrections employee who has accrued overtime hours to use those hours as compensatory leave time
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SUNSHINE LAW

- SB 615 Modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure (VETOED)
- HB 1426 Allows counties to create a voluntary registry of individuals with health related ailments for emergency purposes

SURVEYORS

- SB 809 Modifies provisions of law regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects

TAX CREDITS

- SB 635 Prohibits issuance of certain incentives to business relocating from certain counties in Kansas if Kansas enacts a similar prohibition
- SB 693 Modifies provisions relating to taxation (VETOED)
- SB 729 Modifies provisions relating to taxation and economic development
- HB 1132 Modifies provisions relating to certain benevolent tax credits (OVERRIDDEN)
- HB 1459 Authorizes the Innovation Campus Tax Credit

TAXATION AND REVENUE - GENERAL

- SB 584 Modifies provisions relating to taxation (VETOED)
- SB 829 Modifies provisions relating to burden of proof in tax liability cases (OVERRIDDEN)
- HB 1081 Creates the Paperless Documents and Forms Act
- HB 1455 Modifies provisions relating to burden of proof in tax liability cases (VETOED)
- HB 1504 Exempts certain taxes from deposit into the special allocation fund under tax increment financing
- HB 2077 Creates the Surplus Revenue Fund for deposit of up to \$215 million of revenues in excess of \$16.834 billion for fiscal years 2014 and 2015
- HB 2141 Modifies various provisions relating to motor fuel

TAXATION AND REVENUE - INCOME

- SB 509 Modifies provisions relating to income taxes (OVERRIDDEN)
- SB 584 Modifies provisions relating to taxation (VETOED)
- SB 601 Reauthorizes a deduction for energy efficiency audits and projects for tax years 2014 to 2020
- SB 612 Modifies provisions relating to taxation (VETOED)
- SB 662 Modifies provisions relating to taxation (VETOED)
- SB 693 Modifies provisions relating to taxation (VETOED)
- SB 860 Modifies provisions relating to taxation (VETOED)
- HB 1237 Extends allocation of tax revenues from the nonresident entertainers and athletes until December 31, 2020
- HB 1296 Modifies provision relating to corporate income tax and sales tax (VETOED)
- HB 1455 Modifies provisions relating to burden of proof in tax liability cases (VETOED)
- HB 1710 Creates an income tax return check-off program to provide funds for the Missouri National Guard Foundation
- HB 1865 Creates a state sales and use tax exemption for food preparation and specifies a method of allocating interstate income for corporate income taxes (VETOED)

TAXATION AND REVENUE - PROPERTY

- SB 693 Modifies provisions relating to taxation (VETOED)
- SB 729 Modifies provisions relating to taxation and economic development
- SB 860 Modifies provisions relating to taxation (VETOED)

TAXATION AND REVENUE - SALES AND USE

- SB 584 Modifies provisions relating to taxation (VETOED)
- SB 612 Modifies provisions relating to taxation (VETOED)
- SB 662 Modifies provisions relating to taxation (VETOED)
- SB 693 Modifies provisions relating to taxation (VETOED)
- SB 727 Modifies provisions relating to farmers' market and SNAP benefits (OVERRIDDEN)
- SB 860 Modifies provisions relating to taxation (VETOED)
- SB 896 Modifies provisions relating to county governance
- HJR 68 Imposes a temporary three-quarters of one cent sales and use tax for transportation purposes
- HB 1296 Modifies provision relating to corporate income tax and sales tax (VETOED)
- HB 1504 Exempts certain taxes from deposit into the special allocation fund under tax increment financing
- HB 1553 Modifies provisions relating to political subdivisions (VETOED)
- HB 1865 Creates a state sales and use tax exemption for food preparation and specifies a method of allocating interstate income for corporate income taxes (VETOED)
- HB 2029 Extends a sales tax exemption for replacement parts to aircraft

TEACHERS

- SB 782 Allows an individual with certification from the American Board for Certification of Teacher Excellence to obtain teacher certification in elementary education
- HB 1490 Requires the State Board of Education to convene work groups to develop new academic performance standards

TELECOMMUNICATIONS

- SB 523 Prohibits school districts from requiring a student to use an identification device that uses radio frequency identification technology to transmit certain information (OVERRIDDEN)
- SB 649 Modifies provisions relating to right-of-way of political subdivisions
- SB 650 Modifies provisions relating to wireless communications infrastructure deployment
- SB 651 Modifies provisions relating to communications services
- SB 653 Modifies provisions relating to municipal utility poles
- HB 1085 Modifies provisions relating to the disclosure and release of public library records
- HB 1454 Modifies the application timeline for substantial modification of a wireless support structure from 90 to 120 days
- HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

TOBACCO PRODUCTS

- SB 841 Modifies provisions relating to alternative nicotine or vapor products (OVERRIDDEN)
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TRANSPORTATION

- SB 649 Modifies provisions relating to right-of-way of political subdivisions
SB 818 Expands allowable uses for aviation trust fund moneys and modifies requirements for specified limited uses
SB 896 Modifies provisions relating to county governance
HJR 68 Imposes a temporary three-quarters of one cent sales and use tax for transportation purposes
HB 1261 Changes the laws regarding audits for transportation development districts (VETOED)
HB 1707 Modifies provisions relating to the operation of motor vehicles (VETOED)
HB 1735 Exempts sales of motorcycles and motorized vehicles sold by powersports dealers from criminal penalties for Sunday sales and modifies the definitions of certain off-highway motor vehicles

TRANSPORTATION DEPARTMENT

- HJR 68 Imposes a temporary three-quarters of one cent sales and use tax for transportation purposes
HB 1866 Designates memorial highways and bridges around the state

TREASURER, STATE

- SB 621 Modifies various provisions of law regarding the publication of the statutes, garnishments, criminal procedure, judicial resources, court surcharges, law enforcement liability, and crime prevention
HB 1075 Modifies the law relating to unclaimed property
HB 1693 Establishes a process for taking savings bonds as unclaimed property
HB 2077 Creates the Surplus Revenue Fund for deposit of up to \$215 million of revenues in excess of \$16.834 billion for fiscal years 2014 and 2015

UNEMPLOYMENT COMPENSATION

- SB 510 Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits
SB 673 Modifies the duration of unemployment compensation the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETOED)

UNIFORM LAWS

- SB 491 Modifies provisions relating to criminal law
HB 1371 Modifies provisions relating to criminal law
HB 1376 Modifies portions of the Uniform Commercial Code relating to secured transactions
HB 1412 Modifies the law relating to the filing of fraudulent financing statements with the Secretary of State and real property documents with recorders of deeds

UTILITIES

- SB 584 Modifies provisions relating to taxation (VETOED)
SB 664 Modifies provisions relating to natural resources
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UTILITIES, CONTINUED

- SB 734 Allows members of electric cooperatives to participate in certain meetings by mail or electronic means
- HB 1454 Modifies the application timeline for substantial modification of a wireless support structure from 90 to 120 days
- HB 1631 Requires the Air Conservation Commission to develop carbon dioxide emission standards for existing generation plants
- HB 1865 Creates a state sales and use tax exemption for food preparation and specifies a method of allocating interstate income for corporate income taxes (VETOED)
- HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

VETERANS

- HJR 48 Requires the development of a Veterans Lottery Ticket with proceeds going to the Veterans' Commission Capital Improvements Trust Fund
- HB 1724 Allows the Adjutant General to provide financial assistance or services to certain military families with money from the Missouri Military Family Relief Fund

VETERINARIANS

- SB 506 Modifies provisions relating to agriculture (VETOED)
- HB 1326 Modifies provisions relating to agriculture (VETOED)

WASTE - SOLID

- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly

WATER PATROL

- SB 785 Expands one time temporary boating safety identification card opportunity to include Missouri residents

WATER RESOURCES AND WATER DISTRICTS

- SB 664 Modifies provisions relating to natural resources
- HB 1302 Bans the Department of Natural Resources from regulating residential wood burning heaters or appliances unless authorized by the General Assembly
- HB 1692 Modifies provisions relating to public water supply districts and allows certain districts to establish a lateral sewer service line repair program
- HB 1867 Modifies provisions relating to underground facility safety and utility access to railroad right-of-way

WEAPONS

- SB 491 Modifies provisions relating to criminal law
- SB 656 Modifies provisions relating to firearms and corporate security advisors (OVERRIDDEN)
- SB 745 Modifies the provisions regarding sheriffs and other law enforcement officers, weapons, and concealed carry permits
- HB 1371 Modifies provisions relating to criminal law
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